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THE POLITICS OF PARTNERSHIP IN UK AND SCOTLAND: UNDERSTANDING GOVERNANCE IN OBESITY POLICY

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Abstract

Background

Partnerships are now established as a dominant governance tool in global and public health. In the UK, successive governments have viewed partnership with the food industry as a legitimate and effective tool in obesity policy. This model of governance appeals to the notion of decision making between public and private actors as interactive and collaborative. However, while this governance approach is framed as a more open and accommodative form of policy making to state-centric authority, empirical research of partnerships with unhealthy commodity industries is surprisingly limited in both political science and public health literatures. Taking this gap in the theoretical and empirical literature as the starting point, this thesis set out to explore the 'black box' of partnerships tasked with encouraging food industry self-regulation to address obesity policy concerns in England and Scotland between 2010 – 2015.

Methods

The thesis is based on an analysis of documents released under the Freedom of Information Act, partnership documents (e.g. steering group minutes), relevant policy statements, and 50 qualitative interviews with individuals involved in public health debates. Interviews include UK and Scottish policy makers that had experience of partnerships in food policy, in addition to individuals involved in advocacy, food industry representatives, and academic researchers. It adopts a practice-based interpretive framework that understands governance as sets of rules and procedures, using the analytical frameworks of public accountability, multi-level and network governance to explore decision making in partnership.

Results

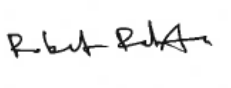
The thesis is divided into four empirical chapters that explore governance using various combinations of this analytical framework. Chapters 1, 2, 3 develop this approach in England, and Chapter 4 considers partnerships in Scotland. Chapter 1 examines the operationalization of partnership at the UK level, making the case that policy statements framed this mode of governance as increasing the problem-solving capacity of government. Chapter 2 draws on an empirical case study of accountability practices, and considers how a lack of formal mechanisms of accountability seemed to create opportunities for commercial sector actors to circumvent being held to account within partnership arrangements. Chapter 3 extends the focus to decision-making processes in partnership, illustrating the tension between collaborative modes of governance and the political strategies of food industry actors. Chapter 4 then explores partnership arrangements in Scotland, combining an analytical focus on accountability, multi-level and network governance to consider how policy divergence from partnership arrangements at the UK level was constrained through limits to collaboration between the Scottish government and food industry actors.

Conclusion

The findings problematise the suggestion that partnership arrangements improve the governance and policy effectiveness of interventions to address diet-related ill health. This research draws upon contemporary theories of governance, in combination with a wide range of empirical data, to highlight how commercial sector actors exercise policy influence in partnership arrangements. In contrast with a tendency within public health studies to assume a conflict between the interests of commercial sector actors and public health aims, this research makes a distinctive contribution in exploring the micro-political decisions that constitute such tensions.

Declaration:

I declare that this thesis has been composed solely by myself and that it has not been submitted, in whole or in part, in any previous application for a degree. Except where states otherwise by reference or acknowledgment, the work presented is entirely my own.



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Acronyms and abbreviations

AA	Advertising Association
ASA	Advertising Standards Authority
BMFG	Bill and Melinda Gates Foundation
BRC	British Retail Consortium
BSDA	British Soft Drinks Association
BSE	Bovine Spongiform Encephalopathy
BSI	British Standards Institute
CAP	Code of Non-Broadcasting Advertising and Direct & Promotional Marketing
CR	Calorie Reduction Pledge
CRUK	Cancer Research UK
CSR	Corporate Social Responsibility
DG	Director General
DH	UK Department of Health
DPA	Deliberative Policy Analysis
EU	European Union
FCTC	Framework Convention on Tobacco Control
FDF	Food and Drink Federation
FIG	Food Implementation Group
FOI	Freedom of Information
FPH	Faculty of Public Health
FSA	Food Standards Agency
FSC	Forest Stewardship Council
GAVI	Global Alliance on Vaccines and Immunization
GDA	Guideline Daily Amounts
GHG	Global Health Governance

GHP	Global Health Partnership
HFSS	High in Fat. Sugar, and Salt
IFBA	International Food and Beverage Alliance
IHG	International Health Governance
ISO	International Standards Organization
JOG	Joint Obesity Group
LSHTM	London School of Hygiene & Tropical Medicine
MAD	'Multiple Accountabilities Disorder'
MAFF	Ministry of Agriculture, Fisheries, and Food
MLG	Multi-level governance
MoG	Machinery of Government
MUP	Minimum Unit Pricing
NCD	Non-communicable disease
NDPB	Non-Departmental Public Body
NGOs	Non-governmental organisations
NMD	Non-Ministerial Department
NPM	New Public Management
PAC	Public Accounts Committee
PAS	Publicly Available Specification
PG	Responsibility Deal Plenary Group
PHC	Public Health Commission
PIRU	Policy Innovation Research Unit [LSHTM]
RD	Responsibility Deal
RDFN	Responsibility Deal Food Network
SACN	Scientific Advisory Committee on Nutrition
SDIL	Soft Drinks Industry Levy

SFDF	Scottish Food & Drink Federation
SHC	Supporting Healthy Choices framework
SNP	Scottish National Party
SRC	Scottish Retail Consortium
SSB	Sugar-Sweetened Beverage
SWA	Scotch Whisky Association
TFI	Tobacco Free Initiative
WHO	World Health Organization

Key	
Red	Text redacted from steering group documents
Blue	Text added to steering group documents
Purple	Text unchanged between document drafts

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Preface

The theoretical, empirical, and normative focus of this research has been shaped by the ideational and institutional context of the School of Social and Political Science at the University of Edinburgh. During an MSc in comparative public policy, I became interested in theories of governance, which I applied to understanding political and policy processes in health policy-focused modules of this degree. The flexibility of this part-time degree helped to create space to focus on different theories of policy change. I became interested in empirically-informed theories that explore the interplay between ideas, interests and institutions (Béland 2005; Blyth 2003; Schmidt 2011), and, in this context, the work of Katherine Smith (2013b) on the relationship between research and policy. This literature was formative in the theoretical and empirical focus of this research on issues of institutional design and political contexts. Moreover, the conceptual basis of the research was immeasurably improved by having Professor Smith as a supervisor. The focus of this research was equally influenced by my co-supervisor Professor Jeff Collin, whose work on global health governance and tobacco industry interference in public health policy making was instrumental in conceptualising corporate strategies. Indeed, it was an editorial on the Responsibility Deal co-authored by Professor Collin that convinced me that this partnership would be a worthwhile object of empirical research. Hence, the dissertation component of the MSc degree explored the Responsibility Deal, as part of a comparative case study of partnerships implemented by the UK coalition government and the SNP government at the devolved level. This research builds further on the analysis presented in the MSc dissertation to examine the 'black box' of partnership arrangements, drawing on governance theories developed within the political sciences.

Chapter 1. Introduction

The 'puzzle' underpinning this research is the enduring policy commitment of UK and devolved administrations to partnerships with commercial sector actors on obesity policy, despite limited evidence that this mode of governance can achieve the public health policies that governments claim. This 'puzzle' was identified during an earlier piece of work on comparative policy approaches to obesity in the devolved administrations, which this thesis builds on. The

research began in September 2014, when it appeared that partnerships between the food industry and UK and Scottish governments were relatively stable institutional features of obesity policy. Yet, in the four years spent researching and writing the thesis, initial enthusiasm for partnerships had waned, ultimately leading to their informal disbandment. The Responsibility Deal (RD) was formally replaced in the UK with the publication of the *Childhood Obesity Plan* (HM Government 2016). Moreover, the delayed publication of (Buck 2016) of the plan was pre-empted by the announcement in the March budget of a planned levy on sugar-sweetened beverages (SSBs), formulated and implemented by the Treasury. This legislation, implemented in April 2018, was framed by the Treasury as incentivising the reformulation of soft drinks to fall below higher (8 grams or more per 100ml) and lower thresholds (5-8 grams per 100ml of sugar content). In Scotland, the *Supporting Healthy Choices* (SHC) partnership announced in June 2014 did not achieve the level of industry engagement that policy makers expected. Indeed, a recent consultation document, *A Healthier Future: Action and Ambitions on Diet, Activity and Healthy Weight* (Scottish Government 2017: 4), stated that the partnership had not 'delivered sufficient commitment to action, particularly in relation to promotions'. This document set out a policy commitment to restrict the promotion of processed food and beverages, which, at the time of writing, was open for public consultation. All this suggests that current obesity policy is markedly different from 2014. Yet, while the policy landscape *has* shifted, notably with the introduction of a soft drinks levy that has been unambiguously welcomed by the public health community (UK Health Forum 2016; Obesity Health Alliance 2018), it is important not to understate continued political commitment to partnership with the food industry. For example, *A Healthier Future* (Scottish Government 2017: 4) emphasises that 'the food and drink industry has a pivotal role in leading, enabling, and supporting healthier purchasing'. This image of constructive engagement with food industry actors is institutionalised in the UK government childhood obesity plain, in which Public Health England (an executive agency of the Department of Health) has worked with food companies to reformulate products that are high in fat, sugar and salt (HFSS). This program aims to reduce the sugar content of key foods by 20% by 2020 (HM Government 2016). Moreover, an evaluation published by Public Health England in May 2018, revealed that an interim 5% target had not been

achieved (Public Health England 2018). Overall, governments appear to be committed to partnership, despite limited evidence to support the policy effectiveness of this approach. This suggests that partnership is embedded within a policy paradigm underpinned by normative discourses about shared state and market responsibility for public goods. It is therefore important to understand the normative underpinnings of partnership arrangements, reflected in the first research question of the thesis:

> *How have partnerships been constructed and operationalized by UK and Scottish governments?*

The second dimension of this puzzle relates to the comparatively limited engagement of public health researchers with theories developed within political science, despite the likely added value of such theories in conceptualising public health governance. As Barbazza and Tello (2014) identify in their review of the literature on health governance, the concept of governance is often taken for granted by health researchers and practitioners. In focusing on multiple theories of governance, the thesis seeks to use insights from political science to examine the institutional design and decision-making processes of partnerships. Reflecting this, the second question asks:

> *What do partnerships with the food industry reveal about theories of governance networks?*

The aim of this question is to focus on the added value of governance theories in developing a theoretically informed empirical study of partnerships. This question reflects an identified overlap in the political science literature and government policy documents about the assumed effectiveness of partnerships. Thus, second aim of this research is to critically assess the normative assumptions that underpin this mode of governance in relation to an empirical case study of UK and Scottish obesity policy. In addition, the second research question was also structured by an identified lack of scholarly attention on the political dimensions of partnership, with the public health literature largely focused on health-oriented evaluations (Knai et al. 2015; Durand et al. 2015; Petticrew et al. 2016). Moreover, detailed consideration of this case study is

particularly important, given the positioning of the responsibility Deal as an exemplar of voluntary approaches between government and industry. For example, an influential paper by Moodie *et al* (2013) in *The Lancet* cites the UK approach as symbolic of policy solutions that favour voluntary agreements with food industry actors (Swinburn et al 2015). Yet, while this paper argues that 'industry-operated, voluntary self-regulation is the default approach' (Moodie et al. 2013), how partnership is governed remains empirically and theoretically under-researched by the public health community. This thesis marks a first step in responding to this gap in the literature.

1.2 The political context of the thesis

The formation of the Conservative-Liberal Coalition government following the 2010 general election resulted in processes of institutional change that affected obesity policy at both the UK and devolved level. Before moving on to consider the operationalization of partnerships in the post-2010 political context, this section starts by describing the wider landscape in obesity policy under previous Labour administrations between 1997 – 2010.

The publication of the Labour government's Public Health White Paper, *Choosing Health* (Secretary of State for Health) in 2004, marked an important shift in the political construction of obesity as a policy issue that government *should* be committed to address. It is important to note that this White Paper located responsibility with individuals for lifestyle behaviour, which Smith *et al* (2009) argue embodied a shift towards an increasing emphasis in health policy statements on the importance of individual responsibility. For example, the foreword to *Choosing Health*:

> 'We are clear that government cannot – and should not – pretend that it can 'make' the population healthy. But it can – and should – support people in making better choices for their health and the health of their families'
>
> (Secretary of State for Health 2004: 4)

This emphasis on lifestyle behaviours is evident in many of the policies implemented by Labour governments over this period, which focused on encouraging personal responsibility for healthier choices. For example, the introduction of a 5 A DAY programme to encourage fruit and vegetable consumption, and the introduction of a voluntary 'traffic light' labelling system (corresponding to high, medium or low levels of nutrients) by the Food Standards Agency (discussed in greater detail in Chapter 4). In the Labour government's third term, it launched *Change4Life* - a social marketing campaign to raise awareness about healthy lifestyles. This program embodies the 'lifestyle drift' (Whitehead and Popay 2010) towards policy solutions focused on individual risk factors (Graham 2009). The electoral dominance of Labour across UK and Scottish political administrations between 1997 – 2007, meant that policy divergence from this 'lifestyle choice' paradigm across devolved regions was limited.

While it is important to note that scheduling restrictions on television advertising to children were introduced in 2007 by the UK-wide broadcast regulator (Ofcom), in addition to a program of salt reduction (discussed in Chapter 4), policies under Labour governments focused on individual responsibility. This is a critical point, as personal responsibility narratives have helped to frame the food industry as potential partners in health policy making, rather than structural drivers of unhealthy diets (Naghavi et al. 2017). The idea that government *ought* to partner with the food industry in the formulation and implementation of obesity policy was a consistent trend in the discourse and assumptions of policy statements under Labour governments (see Chapter 4). Despite this framing of food industry actors as 'partners', reports on obesity by the House of Commons Health Committee and Public Accounts Committee (PAC) recommended that a more interventionist report might be required in regulating industry marketing practices. For example, the 2006 PAC report, *Tackling Child Obesity*, observed that 'despite working alongside the food industry for a number of years, departments have yet to demonstrate much concrete action to change the way foods that are high in fat, salt, and sugar are marketed' (PAC 2006: 14). Overall, this suggests that partnership had become institutionalised as a policy idea under Labour governments between 1997 – 2010.

It is in this political context that the Conservative party transformed this policy idea to fits its preferred discourse of 'rolling back the state' (Foster, Kerr, and Byrne 2014). This was framed by the party leader David Cameron, in his 2009 Hugo Young[1] lecture as renewing the state-society relationship, replacing the 'synthetic bonds' of the state with the 'rolling forward' of society. Following the 2010 general election, the Conservative-Liberal Coalition's *Programme for Government* emphasised this government would be 'shunning the bureaucratic levers of the past and finding intelligent ways to encourage, support and enable people to make better choices for themselves' (HM Government 2010: 7). For health policy making, this meant framing behavioural economics as an alternative to traditional forms of regulation. Heavily influenced by the idea of 'choice architecture' developed by Thaler[2] and Sunstein (2009) in their bestseller *Nudge*, behavioural insights were framed as a governing tool to increase personal responsibility and roll back the state. In his Hugo Young lecture, Cameron argues that nudge could lead to cultural change that 'needn't even involve government doing anything'. This was described as a 'post-bureaucratic approach to regulation' in a working paper published by the Conservatives in 2009, in which nudge is framed as a *real* third way between statism and market.

This political context is important in understanding discourses that depict partnership with the food industry as an intrinsically more effective approach to health policy than traditional forms of regulation. This is summarised in the foreword of a paper on behavioural insights produced by the Cabinet Office (2010: 2) that describes it as a 'new approach, which is as much about government working in partnership with others as about announcing new policies from Whitehall'. Unsurprisingly, these discourses are reproduced in the launch paper for the RD, which justified working with food and alcohol companies on the basis that partnership working 'can agree practical actions to secure more progress, more quickly, with less cost than legislation' (Department of Health 2011a: 2). It continues:

[1] The Hugo Young lecture series was organized by *The Guardian* delivered by political figures, such as Nick Clegg and Ed Miliband

[2] Richard Thaler acted an unpaid adviser to Cameron (Leggett 2014)

> ‘The idea that businesses can contribute to public health goals is not new. For instance, the UK is currently seen as an international leader on salt reduction, not because Government imposed legislation but because businesses, Government, and public health groups have worked together for many years to bring about changes that will prevent thousands of premature deaths. The Responsibility Deal takes this insight and radically scales up the ambition. It seeks to derive similar benefits in a much broader range of challenging areas’.
>
> (Department of Health 2011a: 4)

Partnership was therefore framed as a legitimate policy response to obesity, consistent with the Coalition government’s rejection of the need for central government action. In other words, the RD was substitutive of legislation, rather than mutually reinforcing. This policy claim is used to assess (notably in Chapters 5 – 6) partnership working, based on the explicit claim that the negotiation of voluntary commitments with food companies would produce more effective and efficient policies than traditional forms of regulation. In summary, the Responsibility Deal was *the* key pillar of the Coalition government’s approach to obesity policy, constitutive of an ideological commitment to ‘roll back the state’.

This emphasis on nudge and personal responsibility in England was noticeably absent from discourses in Scotland, with a Scottish National Party (SNP) government having taken control following the Scottish Parliament election in 2007. While the Coalition government emphasised that it would not promote ‘Whitehall diktat and nannying’ (Secretary of State for Health 2010: 2), the SNP government made strong rhetorical commitments to addressing wider social and economic determinants of ill health. This was reflected in the *Route Map* documents, which set out the SNP government first strategy on obesity:

> ‘Overweight and obesity cannot be tackled by just relying on individuals to change their behaviour as the factors that contribute to gaining weight have been interwoven into the very fabric of our lifestyles to such an extent that weight gain is almost inevitable in today’s society’.
>
> (Scottish Government 2010a: foreword)

This emphasis on structural determinants of health provided the rationale for a Scottish approach to partnership. As the launch paper for the *Supporting*

Healthy Choices framework stated, 'Scotland benefits from the *Responsibility Deal* [sic], but our poor dietary health warrants further action' (Scottish Government 2014: 5). Overall, this implies that the policy landscape might be likely to diverge in this period, with policy discourses accepting the need for greater intervention to address structural drivers of obesity.

1.3 Thesis structure

The structure of this thesis reflects the interpretive policy analysis of partnership working, in which three findings chapters (4 – 6) explores the RD, and the final empirical chapter focuses on partnership working in Scotland. This decision was informed by issues of research design and data generated from fieldwork. In relation to the former, the aim was to produce in-depth case studies of partnership working that interpreted governance processes in concrete political contexts. As such, the research was designed to include comparative dimensions without this imposing a methodological rigidity that might constrain the flexibility required of interpretive research. In the case of the latter, the focus of three chapters on the RD relates to partnership working over a period of 4 years between 2011 – 2015. This produced a large volume of documents, generated over meetings of the Responsibility Deal Food Network (RDFN) and meetings of the Plenary Group (PG), while a fewer number of meetings were held between the Scottish government and food industry actors. In addition, the thesis is structured based on process tracing of political decision making and policy discussions, in which the UK government was the 'first mover' in operationalizing partnership. Thus, the findings chapters are structured to capture temporal dimensions of policy making.

The thesis is structured as follows. Following this introduction, Chapter 2 provides a narrative literature review of partnerships as a preferred governance tool in health governance. It begins by examining the public health literature, before moving on to describe how the concept of unhealthy commodity industries has been used to problematise the presumption of policy makers for partnership with commercial sector actors (notably the food and alcohol industries). In the second part of the chapter, I argue that theories developed within the political sciences have added value in enhancing understandings of

the challenges in contemporary health governance. The chapter focuses on three inter-related meso-level theories: (1) network governance, and specifically the concepts of metagovernance and multi-level governance; (2) accountability; (3) and deliberative policy analysis. This section outlines normative claims made by political scientists in the 'first wave' of governance networks research that overlap with the assumptions in policy statements about what partnerships could attain in public health. However, it also identifies concepts used in this literature that offer analytical insight in understanding the institutional design and practice of partnership as a mode of governance.

Chapter 3 outlines the methodological approach. It begins with an overview of interpretive policy analysis as an established research program within the political sciences, and outlines the rationale for the methodological approach taken in this research project. This explains the use of interviewing and documents, and provides a reflexive account of my approach to data analysis.

Chapters 4 – 7 combine an analysis of the institutional design and decision-making processes of the RD. The following three chapters are structured chronologically, tracing the construction of partnership as a policy idea and its subsequent operationalization. Chapter 4 explores the role of ideas in policy making, tracing the institutionalisation of partnership as a preferred governance tool for UK governments over the past two decades. In order to contextualise the political decision-making that underpins this discursive process, this chapter contrasts approaches to industry self-regulation under New Labour administrations with the market-driven logic that informed policy ideas promoted by the Conservatives. The chapter then describes the operationalization of this policy idea under the Conservative-Liberal Coalition government that was formed following the general election in 2010. The analysis developed in Chapter 4 represents a crucial stage in the thesis. It argues that the malleability of partnership was used by the Conservatives (as an opposition party before 2010) to construct a policy idea that displaced responsibility from government, and framed obesity as an issue that should be displaced to the market. This analysis identifies the discourses and assumptions that underpin this policy idea, which I argue are key to understanding the institutional design and discursive practices of partnership. The added value of focusing on the role of

ideas in policy is that it uncovers the politically contingent nature of governance. This analysis shows the importance of analysing political context and how ideas are translated as they move between actors.

Chapter 5 explores accountability within the RD. The substantive focus of this chapter is on the gap between the institutional design and operationalization of accountability mechanisms in the RDFN. Drawing on analysis developed in Chapter 4 relating to partnership as a policy idea, this chapter employs the concepts of depoliticization as a bridging concept between theories of metagovernance and accountability mechanisms, focusing on governmental strategies to displace responsibility to the market. It argues that the framing and institutional design of the Responsibility Deal were used to depoliticise accountability. Yet, this account demonstrates that a market logic of accountability was not operationalized, challenging the assumption that the partnership constituted an effective substitute for traditional forms of regulation. In terms of governance theories, this chapter demonstrates the added value of metagovernance by providing a framework to examine how governments use tools of institutional design and framing to reconfigure the role of the state. In addition, the data presented here shows the importance of analysing accountability as a *process*, rather than discrete mechanisms which assume that it can be operationalized.

Chapter 6 draws on two empirical case studies of decision-making in the RDFN to examine accountability in a broader sense. It uses the notion of multiple accountabilities (Koppell 2005) to conceptualise food industry actors as co-producers of the rules and norms of partnership working. In this chapter, I argue that industry actors used their position to shape the 'rules of the game'. In contrast to the framing of partnership as a deliberative process in policy statements, the empirical data reveal that key decisions relating to voluntary industry commitments and performance standards were made in a 'back stage' of negotiations between industry actors and Department of Health officials. This is demonstrated using two in-depth empirical case studies of decision-making in the Responsibility Deal 'Food Network'. The findings suggest that the framing of partnerships as discursive and consensus-oriented was undermined by an over-reliance on back stage deals with industry to secure their continued

participation. The implications for partnership working was that negotiations drifted towards lowest common denominator collective agreements that contradicted and subverted the stated policy objectives of the Responsibility Deal. Empirically, this chapter illustrates how commercial sector actors can exploit informal spaces of governance to shape the rules of the game to align with their economic interests. Conceptually, it demonstrates the importance of inductively tracing institutional practices, and the added value of the concept of informal governance in describing and analysing actors' engagement with their institutional context

The final empirical findings chapter explores the institutionalisation of partnership at the devolved level in Scotland, focusing on how the SNP government responded to institutional change at the UK level following the 2010 general election. This analysis uses the lens of multi-level governance to analyse how industry actors exploited temporal opportunities to transfer rules and norms across jurisdictional levels. In addition, this chapter uses a case study of the failure to negotiate a voluntary standard on responsible marketing as illustrative of the limits of partnership in achieving public health aims. It argues that, despite the apparent enthusiasm of the government to diverge from the Responsibility Deal approach, industry actors collectively acted to subvert this process. I argue that the failure to negotiate an external standard on marketing underlines the limit of consensus-oriented approaches with food industry actors whose economic interests diverge from public health claims made in policy statements.

Chapter 2. Literature review: conceptualising partnerships in public health governance

2.1. Introduction: political science-informed approaches to researching partnership with unhealthy commodity industries

Partnership between governmental and non-governmental actors is an idea synonymous with networks and governance as paradigmatic of contemporary policy making (Bache 2010). It has become a preferred governance tool of subnational, national and transnational institutions and actors, and is synonymous with the emergence of governance as *the* central organising principle of contemporary public policy making. In the context of global health, partnership has been framed by its supporters as a powerful mechanism to address complex issues by leveraging the resources, expertise and ideas of non-government actors (Reich 2002; Reinicke and Deng 2000). More specifically, the emergence of global health partnerships from the late 1990s (K. Buse and Walt 2000a) is an expression of a broader shift in political decision making characterised by the inclusion of commercial sector actors in the formulation and implementation of policy (Sørensen and Torfing 2007). As a result, the number of partnerships has risen precipitously over the past two decades in global (Carlson 2004; Richter 2003) and national health contexts (Royo-Bordonada 2014; Baggott 2013; Gilmore et al. 2011). However, while partnership has become an established instrument of health governance (Kent Buse and Harmer 2007), it has remained surprisingly under-theorised in the public health literature (Ruckert and Labonte 2014).

Theoretically this research integrates three inter-related meso level theories developed within the fields and sub-fields of political science: (1) theories of governance networks, including the sub-fields of *meta-governance* and its focus on the governance of governance, and *multi-level governance* as an approach that points to the dispersal of political decision making across sub-national, national and transnational jurisdictions, marked by interdependencies between state and non-state actors (Bache and Flinders 2004); (2) public accountability as an über-concept in the field of public administration (Flinders 2014) that refers to a relationship between different actors in which one gives account and the other has the authority to impose consequences (Black 2008); (3)

interpretivist approaches to policy analysis that theorise language and practice as mutually constitutive of policy making. More specifically, this research draws on *deliberative* approaches that understand political decision making as inherently performative (Hajer and Wagenaar 2003).

This theoretical approach helps to explore the dilemmas that partnerships present to addressing diet-related ill health and obesity. To study this central challenge, this research asks a series of pressing questions about: (1) the discursive construction and operationalization of partnership; (2) the roles and responsibilities of state and non-state actors (notably the food industry) in shaping policy processes and outcomes; (3) the formal and informal interactions through which actors negotiate the institutional conditions of partnership. These questions are underpinned by meso level theories of policy making that share a focus on the role of different actors in the development, reproduction and adherence to the 'rules of the game' of governance arrangements.

First, the concepts of meta-governance and accountability provide a lens to compare the framing of partnership as innovative governance arrangements for the provision of public goods (Schäferhoff, 2009), with the actual practices and discourses of negotiated interaction among actors. In contrast to input and output dimensions of policy analysis, this takes a further step in assessing the 'throughput' of partnership (Risse and Kleine 2010). In other words, an analytical framework that emphasises *processes* can shed light on the 'black box' of political decision making (Schmidt 2013) and help trace the development of frameworks of norms, rules and procedures (Sorensen and Torfing 2009). Second, the concept of multi-level governance focuses attention on partnership as part of a constitutional 'patchwork' (Marks and Hooghe 2004). This helps to redress a tendency towards 'methodological nationalism' (Stone 2004) in empirical studies of partnership between governments and food industry actors that fail to adequately conceptualise multi-level lobbying strategies and venue shopping (Baumgartner 2007). Finally, an interpretivist approach provides an analytical framework that helps make sense of the unfolding practices of partnership (Cook and Wagenaar 2012).

It is important to acknowledge that the analysis presented in this chapter is not a systematic review (Young et al. 2002). It does not adhere to a protocol of replicable search terms, or aim to synthesise empirical studies based on clear inclusion and exclusion criteria. Rather, this chapter brings together public health and political science approaches to thinking about the shift towards governance that could more accurately be described as a meta-narrative review. This approach draws on the work of Trisha Greenhalgh and colleagues (Greenhalgh et al. 2009), who employ Kuhnian ideas to argue that the methodological rigours of systematic literature reviews present a challenge for thinking about policy areas characterised by multiple types of evidence. In other words, the authors make the case that identifying studies using tightly defined key terms may often miss studies that are empirically and/or theoretically relevant. In contrast, a meta-narrative approach emphasises developing storylines (Feldman et al. 2004) that make sense of different research fields (Greenhalgh et al. 2005). This chapter presents a meta-narrative that brings together political science and public health approaches to thinking about partnership as a model of governance. As such this research attempts to make a distinctive contribution to the existing literature, weaving together different approaches to understanding public health policy making.

Taken together, this literature review emphasises that public health and political science literatures have much to gain from each other, both empirically and theoretically. First, the chapter argues that public health research has given limited attention to theories developed in the political sciences. This draws attention to the implicit use of *input* participation and *output* effectiveness (Scharpf 1999) as a means to evaluate partnerships with food industry actors, highlighting the relatively unexplored dimension of 'throughput' (Schmidt 2013). Second, the chapter highlights the theoretical relevance of empirical studies of commercial sector partnerships (notably food and alcohol) that constitute 'hard cases' for the idea that partnership can produce effective and legitimate policy solutions (Börzel 2011).

To substantiate these arguments, the chapter is divided into two sections. The first section assesses key accounts of corporate impact on public health developed within the academic community. It begins by introducing the

concepts of *global health governance* and *industrial epidemics* (Jahiel 2008), before moving on to consider influential definitions of partnership within global health. It then assesses recent studies of food industry self-regulatory schemes. The remaining sections of the chapter provide a more detailed overview of the theoretical foundations of this research, providing a review of the literatures on network governance, public accountability, and deliberative policy analysis.

2.2 Researching commercial sector interaction in global health governance

2.2.1 The emergence of global health governance

The notion of global health governance (GHG) emerged in the 1990s as an analytical tool developed by public health scholars to conceptualise the transition from the state-centric multilateral system of international health governance (IHG) to a polycentric (Ostrom 2010) system of GHG (Ng and Ruger 2011). This term provided a conceptual clarity that began to be used by public health scholars to map the proliferation of actors with remits and goals related to global health issues. For example, the growing number of hybrid institutions such as the Global Fund to Fight AIDS (Global Fund) and Global Alliance for Vaccines and Immunization (GAVI), in addition to the creation of private philanthropic foundations (notably the Bill and Melinda Gates Foundation (BMGF). Reflecting this, the GHG literature focuses on the proliferation of political actors (Haas 2004) and diffusion of governance functions in global health (Buse and Lee 2005). The use of GHG as a lens to theorise the shift towards new spaces of political decision making (Fidler 2007) can arguably be traced to a conceptual review by Richard Dodgson and colleagues (Dodgson et al. 2002), as part of a project on GHG commissioned by the World Health Organization in 2002. In this report, the authors conceptualise GHG as defined by at least three normative and empirical dimensions: (1) the deterritorialisation of health issues; (2) recognition of the need for greater policy coherence between trade and health; (3) and the involvement of a broader range of actors and interests in health governance.

In the years since Dodgson *et al* (2002) articulated the notion of GHG, the term has become embedded in the vocabulary of public health scholars. Indeed, the rapid growth in the GHG literature was highlighted in a recent scoping review (Lee and Kamradt-Scott 2014), which found that over one thousand works had been published in the past two decades. This body of literature covers a vast amount of conceptual and empirical ground, exploring areas such as the continued role for the WHO in GHG (Sridhar and Gostin 2011; Ng and Ruger 2011; Richter 2012; Brown et al. 2006), philanthropic foundations (Moran and Stone 2016; Stuckler et al. 2011; McCoy et al. 2009), and the functions and authority of actors, such as multilateral financial institutions, involved in the governance of global health issues (Ruckert and Labonte 2014; Brown 2010; Ruger 2005). Given this ever-expanding body of literature relevant to GHG, the following sub-section focuses more specifically on GHG and tobacco control. It provides an overview of research in relation to the negotiation of the Framework Convention on Tobacco Control (FCTC), contrasting this with related literatures on the role of food and alcohol corporations in public health policy making. It argues that this literature is useful in highlighting shared corporate strategies across unhealthy commodity industries (Jahiel 2008), and the implications of such an understanding for researching the food industry. Despite the analytical usefulness of this lens in improving our understanding of how corporations contribute to non-communicable disease, this narrative review highlights the limited body of research that weaves together a focus on commercial sector engagement in public health policy with governance theories.

2.2.2 Corporations and GHG

As an analytical tool, the concept of GHG emerged in parallel with a recognition of the acceleration of globalisation in economic, social and cultural spheres (Dingwerth and Pattberg 2006; Held 2003; Lechner and Boli 2011). In this context, scholars working within the emerging paradigm of GHG increasingly concentrated on the challenges of globalisation for tobacco control. Notably, academics such as Kelley Lee, Kent Buse, and Jeff Collin, used GHG as a lens to explore the transnational nature of the tobacco epidemic and transborder activities of the tobacco industry (Buse and Lee 2005; Lee 2001; Collin et al. 2002). Commissioned by the WHO Department of Health and Development, it

is also evident that senior officials at the WHO's Tobacco Free Initiative (TFI) recognised the strategic importance of GHG in framing the tobacco industry as a threat to global health (Yach and Bettcher 2000). What this research agenda achieved, was to highlight two key dimensions of GHG. First, the extent to which tobacco issues have become transnational. As Collin *et al* (2005) observed over a decade ago:

> 'In a world where many health risks and opportunities are becoming increasingly globalised, influencing health determinants, status and outcomes cannot be achieved through actions taken at the national level alone. The intensification of transborder flows of people, ideas, goods and services necessitates a reassessment of the rules and institutions that govern health policy and practice'.

This literature underlined the global nature of tobacco control, illustrating the trend for the tobacco industry to target selected global populations through marketing and marketing activities (Sargent et al. 2001) in ways that potentially circumvented national regulatory authorities (Collin et al. 2002). Second, this research identified how the tobacco industry had been able to exploit commercial opportunities provided by increasing market liberalisation (Jha and Chaloupka 2000). Moreover, the distinction between IHG and GHG used by public health academics (Lee and Collin 2005) to highlight the global dimensions of tobacco control, was part of proliferating body of literature that used the release of internal tobacco industry documents (Lee et al. 2004; Bero 2003; Balbach et al. 2002) to highlight the scale and apparent success of industry attempts to influence and undermine tobacco control efforts (Collin, et al. 2004; Gilmore and McKee 2004; Muggli and Hurt 2003; Glantz 1998). Indeed, analysis of internal industry documents provided a crucial underpinning for negotiations of the FCTC (Lee et al. 2016), providing an evidence base of persistent industry misconduct (Collin 2004). This recognition of the inherent conflicts between tobacco industry and public health objectives was represented in the text of the FCTC. As exemplified by Article 5.3, the FCTC was intended to protect decision makers from tobacco industry interference, requiring that 'in setting and implementing their public health policies with respect to tobacco control, Parties shall act to protect these policies from commercial and other vested interests of the tobacco industry in accordance with national law' (World Health Organization 2003). In summary, public health

research exposing tobacco industry strategies performed a critical function in legitimately enabling the negotiation of a model of governance that explicitly rejects the possibility of collaboration with the tobacco industry.

Yet, while the FCTC embodies the principle that tobacco industry actors should be excluded from policy formulation, this contrasts with the widespread preference for partnerships with the food and alcohol industry at national and global levels of governance (Moodie et al. 2013; Stuckler and Nestle 2012). This underlines an apparent lack of policy coherence in the regulatory approaches taken towards the tobacco, alcohol, and food industries (Collin 2012), despite comparable contributions to the rising global burden of non-communicable diseases (Allen et al. 2017; Baum et al. 2016).

It is unsurprising, therefore, that public health scholars have responded to the contrasting regulatory approaches taken to tobacco, alcohol, and food, through comparative research that calls into question the presumption of tobacco exceptionalism. While acknowledging the discursive power of tobacco exceptionalist imagery in negotiating the FCTC (Collin 2012), recent scholarship has challenged the idea of tobacco exceptionalism. There is an increasing recognition of the similarities across industries, with an emerging literature mapping the harms associated with other 'unhealthy commodities' such as alcohol and processed foods (Hawkins et al. 2016; Collin et al. 2015; Moodie et al. 2013; Brownell and Warner 2009; Wiist 2006). This literature critically assesses the rationale for contemporary regulatory and governing approaches to alcohol and processed food industries, centred on the idea of corporations as vectors of disease. The vector analogy, which draws on epidemiological constructs of vector-mediated transmission, depicts unhealthy commodity industries (notably tobacco, alcohol and food) as vectors of 'industrial epidemics' through political and market strategies. Market strategies include activities such as branding, advertising, and pricing that drives global expansion in developed and emerging markets (Moodie et al. 2013). Political strategies relate to the ability of industry actors to influence policies relating to the industry taking place within a particular polity (Sørensen and Torfing 2017). Having been first described in relation to tobacco (Slade 1989), René Jahiel and Thomas Babor (2007) later extended the idea of an industrial epidemic to wider

commercial drivers of NCDs (Jahiel 2008). Consequently, the idea of industrial epidemics has been used by public health scholars to explore the impact of tobacco (Gilmore 2012), alcohol (Jernigan 2011), and processed food industries (Stuckler and Nestle 2012; Stuckler et al. 2012) as important structural drivers of NCDs (Collin et al. 2015). For example, recent academic publications have explored comparisons between the corporate strategies (Hillman and Hitt 1999) of the tobacco industry and soft drink companies (Aaron and Siegel 2016; Nestle 2015; Pomeranz 2014; Dorfman et al. 2012) and the global alcohol industry (Savell, Fooks, and Gilmore 2016; Casswell 2013; Yoon and Lam 2013; Daube et al. 2008). As Hawkins *et al* (2016) argue, cross-industry comparative research of the political economy of the tobacco and alcohol industries challenges the rationale for diverging regulatory approaches; an assessment that could equally be applied to policy engagement with the processed food industry (Smith et al. 2016).

Yet while the vector analogy provides a useful conceptual lens to critically assess the logic of tobacco exceptionalism, it is important to highlight that detailed empirical study of corporations and contemporary models of governance is limited (Lee and Hawkins 2017). This is a critical point. Although the emerging literature on industrial epidemics has helped reframe food and alcohol industries as important vectors of disease, a great deal less research has been undertaken on partnerships as the preferred model of interaction between governments and commercial sector actors. With some recent exceptions, for example: analysis of alcohol industry opposition to minimum unit pricing in Scotland (Holden et al. 2012); and food industry influence in the drafting of commitments within the Responsibility Deal (Panjwani and Caraher 2014), there exist few theoretically-informed empirical studies of industry engagement in partnerships. As the following sub-section examines, the limited attention given to the actual practices of partnership is reflected in the restricted engagement of food policy-oriented public health scholars in theoretical and conceptual frameworks developed within the political sciences.

2.2.3 Defining partnership

The legitimacy and accountability of partnerships underpinned a series of papers authored by Buse and various co-authors, which provided a workable definition of partnerships and explored their implications for GHG. In particular, papers co-authored with Gill Walt (2000a, 2000b) distinguished between different types, forms, and functions of GHPs, demarcating a shift from the state-centric UN system to a pluricentric system of global governance symbolised by the growth of GHPs. In these papers, Buse and Walt conceptualise GHPs as a particular model of governance that brings together intergovernmental and private sector actors 'so as to achieve a shared health-creating goal on the basis of a mutually agreed division of labour' (Buse and Walt 2000a: 550). Through an overview of high-profile GHPs involving the World Bank, WHO, UNICEF, and transnational pharmaceutical companies, the authors demarcate *representative legitimacy*, *accountability*, and *competence* as governing processes in GHPs. This conceptual framework was later developed by Buse and Harmer in analyses of the discursive power (Buse and Harmer 2004), and 'unhealthy habits' (2007) of GHPs, defined as 'relatively institutionalised initiatives, established to address global health problems, in which public and for-profit private sector organisations have a voice in collective decision-making' (Buse and Harmer 2007: 259). This definition reflected a broad understanding within the global governance literature, that partnerships as a model of governance referred to institutionalised interaction among private and public actors in making or implementing policy functions (Schäferhoff et al. 2009; Börzel and Risse 2005). In other words, GHPs involve collective decision processes among public and private actors that 'make them a unique unit of analysis' in GHG (Buse 2004). Building on earlier papers with Walt (above), these analyses reiterate concerns about institutionalised conflicts of interest between public and private actors. Indeed, it is argued that 'many GHPs have slipped into poor governance habits' characterised by 'lax attitudes towards scrutiny', and a 'lack of specificity on partner roles and responsibilities' (Buse and Harmer 2007: 264).

The influence of this definition in public health research is reflected in the citation metrics of this work on GHPs, with Buse and Harmer's (2007) paper on the

'unhealthy habits' of partnership cited hundreds of times across a wide body of public health literature (Clinton and Sridhar 2017; Knai et al. 2015; McInnes and Lee 2012; Kraak et al. 2011; McCoy et al. 2009). However, while its lasting relevance underlines the conceptual clarity of this work, it also points to the relative lack of contributions from public health scholars to the literature on governance.

It is important not to understate the significance of this definition as an analytical lens through which to capture central dimensions of partnerships, since there appears to have been relatively few attempts to build on this intellectual foundation over the past decade. Consequently, the conceptual work of Buse and Harmer (2007) often appears to act as a definitional shorthand for the complexity of interaction between public and private actors (Ng and Ruger 2011). Thus, while the early literature on GHPs incorporated insights from political theorists such as James Rosenau (cf. Buse and Walt 2000b), Börzel, and Risse (cf. Buse & Harmer 2004), this level of theoretical engagement has not been sustained. Yet, as Chapter 1 highlighted, theoretical and conceptual developments within the political science literature on governance provide an analytical toolkit that is useful in exploring contemporary forms of policy making. Although the governance literature has shifted from the idea of networks as 'something new and exotic' (Sørensen and Torfing 2007) towards a second generation of research focused on issues such as metagovernance in an empirical context (Bailey and Wood 2017; Bell and Park 2006), this has not translated into research exploring GHG. For instance, empirical studies of public health-related partnerships have neglected to integrate theories of meta-governance, despite its emphasis on the changing role and capacity of governmental actors (Sørensen and Torfing 2009). This is puzzling, given its use in related fields, such as environmental politics (Hysing 2013) and public administration (Dommett and Flinders 2015), but also its clear relevance to central dimensions of GHPs, such as the implications of private sector hosting arrangements and issues of legitimacy around stakeholder representation (Buse & Harmer 2004). Although it is beyond the scope of this chapter to assess the factors that might help explain the limited influence on analyses of public health partnerships of recent developments in governance theories, a narrative review of public health research in food and obesity-related partnerships

suggests that scholars have predominately focused on 'input' and 'output' dimensions of governance processes, as described in the following section.

2.2.4 Recent academic approaches to partnership in food and obesity policy

Having provided a brief overview of key concepts within research on corporations and global health, the final section exploring the public health literature contrasts these perspectives with academic approaches to researching partnerships in food and obesity policy. This section begins by introducing the concepts of input and output-oriented research, contrasting this with the 'throughput' of political decision making (Schmidt 2013). It then provides a narrative review of more recent studies of partnership using this analytical lens. Finally, the section considers how governance theories developed within the political sciences might inform the public health scholarship.

The theorization of political processes as having input and output dimensions has its origins in the work of Scharpf (1999; 1997) on the democratic legitimacy of EU institutions. For Scharpf, input legitimacy related to models of representative democracy and the quality of participatory processes in rule making (Risse and Kleine 2007). Output legitimacy concerns the problem-solving capacity and effectiveness of policy making (Schmidt 2013). Throughput legitimacy concentrates on the 'black box' of governance that takes place between the political input and policy output. The focus here is on the practice and decision processes that are constitutive of policy making (Schmidt 2006). Following Scharpf, a wide range of scholars take this approach to exploring EU legitimacy (Hix 2008; Majone 1999), in addition to the focus of social scientists on corporate inputs into policy making (Miller and Harkins 2010; Farnsworth and Holden 2006; Farnsworth 2004). In this section, these concepts are borrowed to review the focus of the public health literature on input and output dimensions.

First, recent public health research on the practices of the food industry has tended to focus on examining the legitimacy of corporate inputs in the making and implementation of policy making. This approach to research is apparent in

the 2012 *PLoS Medicine* series on Big Food that explores the tension between the role of unhealthy commodity industries in 'manufacturing epidemics' (Stuckler et al. 2012) and implications of partnerships with the food industry (Brownell 2012; Monteiro and Cannon 2012; Dorfman et al. 2012). As part of their contribution to this collection, David Stuckler and Marion Nestle outline the 'inherent conflict of interest between corporations that profit from unhealthy foods and public health collaborations' that they present as precluding partnership between governmental and food industry actors (Stuckler and Nestle 2012). The legitimacy of corporate inputs into political decisions was subsequently explored in the 2013 *Lancet* NCD series. As part of this series, Rob Moodie *et al* argue that 'there is little objective evidence that public-private partnerships deliver health benefits, and many in the public health field argue that they are just a delaying tactic of the unhealthy commodity industries' (Moodie et al. 2013). The findings of these research series are also reflected in the critical view put forward by public health scholars regarding the legitimacy of the food industry as stakeholders in food and obesity policy making (Buse, Tanaka, and Hawkes 2017; Marks 2014; Richter 2012; Brownell and Koplan 2011; Lincoln et al. 2011; Buse and Tanaka 2011; Stuckler and Siegel 2011; Stuckler et al. 2012; Wiist 2006; Sharma et al. 2010; Ludwig and Nestle 2008). This includes US-focused work, such as Marion Nestle's influential publications on the political power and market strategies of food (Nestle 2002) and soft drink companies (Nestle 2015), Judith Richter's critical view of partnerships between UN agencies and the private sector (Richter 2003), and Nicholas Freudenberg's analysis of corporate power across six unhealthy commodity industries (Freudenberg 2012, 2014). In the UK context, scholars have focused on the Responsibility Deal between food and alcohol industries and the Coalition government as demonstrative of the significant tensions between corporate vectors and public health aims (Gornall 2015; Mindell et al. 2012; Hastings 2012; Gilmore at al. 2011; Rayner and Lang 2011). This perspective is captured in an editorial by Hawkes and Buse, who reflect that:

> '[…] by giving the impression to the private sector that it is a real 'partner', the public sector is, like it or not, inviting for-profit actors to use the arrangement to serve their own private sector interests […] An apparent tension thereby surfaces among different aspects of good governance of 'partnerships' - participation and representation in

> decision-making on the one hand and upholding legitimacy and accountability on the other'
>
> (Corinna Hawkes and Buse 2011: 401).

Overall, this illustrates an increasing focus within the literature on corporations and global health - with the notable exception of researchers with financial and institutional links to the food industry (Alexander, Yach, and Mensah 2011; Hancock, Kingo, and Raynaud 2011; Yach et al. 2010; Yach 2008) – that challenges the input legitimacy of partnerships with key food industry actors.

Second, the public health literature has focused on the output effectiveness of partnerships, which aim to delineate the characteristics of regulatory instruments, and assess the alignment of food industry actors with stated policy aims. While scholars evaluating policy outputs often frame empirical data in terms of input legitimacy, this literature seeks to examine, at a more fine-grained level, the flow of information between stakeholders and an accountability forum and the actual outcome of industry activities (Koenig-Archibugi 2004). In other words, scholars are interested in how regulatory rules link to standards that stipulate attainment of explicit performance standards (Behn 2001), or require taking a specific action. This literature can be demarcated between evaluations of 'self-regulation' and empirical research that focus on interaction between government regulation and self-regulation (or meta-regulation). First, the term 'self-regulation' is defined here as a regulatory framework that is implemented by individual companies or sectors in the absence of oversight from governmental actors (Ayres and Braithwaite 1992). Although there are no universally agreed upon definitions (Coglianese and Mendelson 2010), self-regulation may be proactively introduced in response to perceived reputational risk (Koenig-Archibugi 2004) and/or as a strategy to prevent the introduction of more stringent regulation (Héritier & Eckert 2008). By contrast, meta-regulation refers to processes in which governments initiate and stimulate negotiated self-regulation (Baldwin et al. 2010; Hutter 2011; Sørensen and Torfing 2009) Gunningham and Rees (1997) differentiate 'mandated self-regulation' from the limited to no state involvement in 'voluntary self-regulation'. This model of regulation is closely related the concept of meta-governance, and the role of the state in coordinating partnerships.

Over the last two decades, scholars have focused on the effectiveness of voluntary marketing codes at multiple levels of governance (Kraak et al. 2016; Lloyd-Williams et al. 2014; Kelly et al. 2011; Raine et al. 2013; Rayner et al. 2006; Hawkes 2007; Yach et al. 2003). While the vast quantity of literature into self-regulatory codes make it impossible to comprehensively review this empirical data, for the purposes of this section it is useful to highlight recent studies that have evaluated the effectiveness of the EU pledge. Announced in response to the EU Platform for Action on Diet, Physical Activity and Health, the pledge consists of voluntary performance standards around marketing food and beverages to children. Governed by the European regional trade body, Food and Drink Europe, the pledge commits signatories to develop voluntary commitments that align with this framework. However, the findings of recent evaluations highlight significant variations in definitional criteria, scope and lack of transparency in corporate commitments (Ronit and Jensen 2014; Scarborough et al. 2013; Effertz and Wilcke 2012; Monteiro et al. 2010). For example, Jensen and Ronit (2015) highlight the interpretive flexibility of the pledge, making it 'practically impossible for the consumer to verify whether the companies' stated commitments are in in line with their expectations' (Jensen & Ronit 2015: 900). In addition, academic reviews of the International Food and Beverage Alliance (IFBA) global code on marketing also find limited evidence that voluntary industry commitments have reduced children's exposure to promotion of unhealthy commodities (Galbraith-Emami and Lobstein 2013; Hawkes and Harris 2011; Hawkes and Lobstein 2011). Overall, there appears to exist broad consensus among scholars that the output effectiveness of self-regulatory schemes, implemented in response to legislative and/or reputational risk to transnational food companies (Hawkes and Harris 2011), is restricted.

In addition to the large quantities of research that evaluate voluntary marketing codes, recent studies have focused on the effectiveness of meta-regulation (Kraak et al 2014). In the UK context, the Policy Innovation Research Unit (PIRU) was commissioned by the Department of Health (DH) to conduct an evaluation of Responsibility Deal (Bryden et al. 2013). Published over a series of papers, this evaluation found limited evidence that negotiated agreements between industry actors and the UK government were effective in reducing

processed food or alcohol consumption (Knai et al. 2017; Petticrew et al. 2016; Knai et al. 2015; Knai et al. 2015; Durand et al. 2015).

While input and output-focused research have demonstrable relevance to understanding corporations and global health, what is arguably missing in the public health literature is a focus on the 'throughput' of partnership as a set of concrete practices of political decision making (Bernier and Clavier 2011). In contrast to the tobacco industry, which has been systematically studied with the help of internal tobacco industry documents over the past three decades (Smith et al. 2016; Gilmore et al. 2011), interaction between government and the food industry remains a comparative 'black box' (Schmidt 2013). Thus, while the policy recommendations made by public health researchers identify the need for formal accountability mechanisms (Swinburn et al. 2015; Magnusson and Reeve 2015; Kraak et al. 2014), this assumes a willingness of governments to effectively meta-govern partnerships with commercial sector actors. As the following chapters of this research aim to demonstrate, these idealistic accounts of policy making (Katikireddi et al. 2013) tend to preclude the detailed exploration of governance *processes* that can help explain the limited policy effectiveness of partnerships. Before we move on to this empirical analysis, it is necessary to consider different theoretical lenses that draw upon the insights of political science.

2.3 The political science literature on governance

2.3.1 Theorising governance: networks, multi-level, and discursive

Over the past three decades, the concept of partnership has come to represent a signifier for good governance in the political discourses of various supranational organizations, transnational policy actors, and governments at national and sub-national levels. Partnership has become a central organising principle in areas as diverse as EU structural funds (Bache and Olsson 2001), global health governance (Harmer 2011), climate change (Broadwater and Kaul 2005) and development (Bull and McNeill 2007; Bäckstrand 2010). Partnerships have also been implemented in a wide range of policy areas at multiple levels of government (Mörth 2007; Flinders 2005; Teisman and Klijn 2002).

Partnerships have been conceptualised as paradigmatic (Bache 2010) of contemporary public governance and policy making. The chapter attempts to locate partnership within the context of literatures about governance, connecting these theoretical and conceptual debates to deliberative methods of policy analysis (Hajer 2005) as a tool to make sense of meanings of partnership in policy practice (Yanow 2000).

This section is structured into four sub-sections. The first sub-section provides an overview of the network paradigm, which conceptualises governance as a shift towards new forms of decision-making in contemporary policy making. It describes first and second generations of network governance literature (Sørensen and Torfing 2007) highlighting the analytical toolkit that can help to explore the 'black box' of partnership. The section begins by examining the claims and assumptions of first generation theorists about the contribution of networks to democratic and effective decision-making, before moving on to describe the focus of the second generation of scholarship. More specifically, this focuses on the concept of metagovernance (the governance of governance) as a tool to understand the role of government in partnership (see Chapters 5 and 7). The second section draws on the concept of multi-level governance (MLG) as a lens to understand policy making at different administrative levels. This conceptualises MLG as fluid networked forms of governance that overlap territorial boundaries (Marks and Hooghe 2004). This concept is used to explore institutional divergence in Scotland, and the role of certain food industry actors as boundary spanners across partnerships at UK and devolved levels (see Chapter 7). With this theoretical framework in place, the third section engages with the scholarship on accountability as a 'fundamental norm in public administration' (Schillemans and Busuioc 2015). This provides a definition of accountability as a three-stage process based on information provision, debating, and the possibility of sanctions (Bovens 2007) and reflects on the interplay between different types of accountability and the concept of metagovernance (Chapters 5 and 7). The fourth section draws on the work of Hajer and Wagenaar (2003) on the performative and interactive dimensions of governance. This section identifies key concepts of this framework, such the notion that contemporary policy making is characterised by informal

governance, and the emphasis on discourse as produced and reproduced in policy practices (see Chapters 4 – 7).

2.3.2 Beyond markets and hierarchy: public governance through networks

The emergence of governance network research

In the past three decades, the terms 'network' and 'governance' have become catch-words in both political and policy studies, but has also become fashionable among elected representatives and decision makers as a response to the perceived failures of state and market regulation (Sørensen & Torfing 2006). This section does not attempt to provide an exhaustive overview of the diverse applications of the network concept within different research traditions (Börzel 1998) but follows Torfing and Sørensen (2014) in drawing a demarcation between first and second waves of governance network research. The aim of this section is to review the theoretical foundations of this literature and subsequent directions in empirical and conceptual analyses of network governance.

The first generation of network governance research can be traced to the problematisation of traditional forms of government and the sense among influential scholars that it was possible to identify a 'shift from government to governance' in Rod Rhodes' (1997) characterization. In parallel with the view promoted by international relations scholars, such as Rosenau and Czempiel (Rosenau and Czempiel 1992), that political action focused increasingly on 'governance without government', Rhodes conceptualized governance as marking a shift toward new forms of decision making in which the state is just one of many actors responsible for public policy making (Rhodes 2007). As Börzel (2011) points out, this characterization functioned as a bridging concept with researchers working at the Max Planck Institute in Cologne in the 1980s and 1990s. Both share the assumption of governance networks as non-hierarchical forms of negotiated interaction between multiple public and private actors. For example, in their influential works, Scharpf (1997) and Mayntz (1993) draw a distinction between hierarchy (government) and horizontal

modes of interaction among a plurality of actors (governance). While the 'Rhodes' and Max Planck models of governance networks (Börzel 2011) share the view that decision making processes have become more interactive, the German literature views networks as a distinctive mode of social order that is functionally distinct from markets and hierarchies (Börzel & Panke 2006). Moreover, researchers in this tradition also tend to frame networks as the solution to intractable policy problems that are perceived to have become more complex (Mayntz 1993). The simple argument that characterises much of the literature on governance networks is that non-hierarchical coordination between government and non-governmental actors is necessary to formulate and implement effective policy responses to complex problems that no single actor has the knowledge or capacity to address (Kooiman 2003). Put simply, the first generation of literature framed networks as a functional response to policy problems, a narrative that overlaps with claims made in policy statements that food industry actors should be part of the solution to the issue of obesity (see Chapter 4).

This narrative can be disaggregated into three claims that are often explicit in the rationale for governance networks put forward by researchers. The first claim is that the participation of non-governmental actors in policy making enhances the capacity of the state through resource mobilization in terms of knowledge and expertise (Jessop 1998; Kooiman 1993). Second, it is claimed that the inclusion of non-governmental actors in policy formulation will enhance the legitimacy and authority of collectively binding rules and norms. As a result, decision processes are expected to induce compliance and avoid non-governmental actors exercising veto power (Risse 2004). The third claim of network governance research is that non-governmental actors involved in co-production are assumed to approach decision-making with a commitment to negotiated solutions through compromise and concession and avoid conflictual relations (Papadopoulos & Warin 2007; Börzel & Panke 2006). Indeed, a central assumption of network theory is that this mode of governance may transform communicative interaction in ways that embed *deliberative* and consensus-oriented dialogue among actors (Ansell & Gash 2008). In other words, it is assumed that non-governmental actors will demonstrate a credible commitment to negotiation processes and seek reasoned consensus (Risse 2004). In

summary, the first wave of governance network research tends to blur descriptive accounts of the rise of networks and prescriptive accounts that frame network governance as a response to policy complexity (Passoth and Rowland 2016). In this view, the involvement of non-governmental actors in the formulation and implementation of collectively binding decisions (Mayntz 2002) allows government to improve policy making through: (i) enhanced coordination of resources; (ii) the expectation of negotiated solutions based on consensus-seeking models of decision making; (iii) effective policy implementation induced through voluntary compliance with logics of appropriateness.

Torfing and Sørensen (2014) argue that the second generation of governance network research has shifted away from the idea that networks constitute a distinctive mode of social order to draw attention to normative questions about democratic representation (Hendriks 2009; Papadopoulos 2007; Klijn and Skelcher 2007; Peters and Pierre 2004; Marcussen and Torfing 2007) and empirical analysis of key concepts such as metagovernance (Stark 2015; Bell and Park 2006; Davies 2005). This focus on the democratic and procedural legitimacy of networks coupled with empirical studies that assess their effectiveness, have problematised the assumption that governance networks are a panacea to intractable policy problems (Börzel 2011). Overall, this second generation of research has focused on theoretically informed empirical studies that situate governance networks within political and social contexts. For example, Hendriks (2009) explores how political representation is symbolically enacted in a Dutch sustainable energy network; Griggs and Howarth (Griggs and Howarth 2007) analyse the dynamics of UK airport governance, illustrating the irreconcilable interests and differences between networks of actors; and Sørensen (2006) examine the role of elected politicians and administrators in metagovernance processes in the Danish municipality of Skanderborg. This is illustrative of a second generation of research that has begun to explore mechanisms and concepts of governance networks in empirical context and investigate claims made in the first generation literature.

Metagovernance

This section offers a brief account of meta-governance as a theory utilised by scholars to explore the changing role and capacity of the state in governance

networks. The concept of meta-governance emphasises the 'governance of governance' (Jessop 2002) that points to the 'various mechanisms that public authority and other resourceful actors can use to initiate and stimulate negotiated self-governance among relevant stakeholders and/or guide them in a certain direction' (Pederson et al. 2011). Although the notion of metagovernance is relatively new, it has become an important tool of political analysis for scholars in contexts such as the governance of arm's length bodies (Dommett and Flinders 2015); devolution (Bailey and Wood 2017); and agri-food networks (Botterill and Daugbjerg 2015).

The idea of meta-governance refers to the notion that the state continues to have an important role in the process of coordination and steering that has typically associated with the concept of governance (Torfing et al. 2012; Meuleman 2008; Stoker 1998; Rosenau 2004). As Dommett and Flinders (2015) summarise, a straightforward way of thinking about meta-governance depicts the literature as differentiated according to the role of the state in 'the governance of governance'. For scholars in the state-centric tradition, such as Bell and Hindmoor (2009) and Hysing (2009), the 'hollowed-out' state hypothesis underdetermines the prevalence of governing *with* government, in which states remain central actors in governance arrangements and retain considerable authority. Correspondingly, the relational school of meta-governance, and particularly the Danish school of network governance associated with scholars such as Sørensen and Torfing (2009), similarly believe that the state has an important role in contemporary governance. What differentiates this literature, is its theoretical and empirical interest in defining and researching strategies for metagoverning (Sørensen and Torfing 2005). Overall, this research utilises many of the concepts of the relational (or pluricentric) school, which are discussed in greater depth below.

For the relational school, meta-governance is a way of thinking about how elected politicians and public officials facilitate and manage complex governance networks. In this understanding, meta-governance is 'a way of enhancing coordinated governance in a fragmented political system based on a high degree of autonomy for a plurality of self-governing networks and institutions' (Sørensen 2006: 100). Reduced to its simplest form, this

literature explores the toolkit available to meta-governors to set the rules for governance (Jessop 2004). As mentioned above, Sørensen and Torfing are among the scholars who have published multiple papers detailing the tools of meta-governance. This theory of meta-governance is built around a definition of governance networks as 'relatively stable constellations of public and private actors engaged in negotiated interaction, which 'takes place within a regulative, normative, cognitive, and imaginary framework' (Sørensen & Torfing 2007: 9). This conceives of governance networks as constituted by relatively institutionalised frameworks shaped by ideas about the 'politics of politics' (Beck 1994: 35). Meta-governance can be exercised through structuring these institutional processes to produce effective policy outcomes. Sørensen and Torfing distinguish between 'hands-on' and 'hands-off' tools of metagovernance, a useful analytical framework that is discussed in greater detail in a later section of the chapter. This research explores a key argument made by Sørensen and Torfing (2009) that there is no guarantee that politicians and public officials will take the responsibility of metagoverning seriously. Conversely, we should be careful not be to presuppose that metagovernance is a panacea (Börzel 2011), especially concerning policy issues in which there exists the potential for conflict between actors with irreconcilable political preferences. This is a point argued by Griggs and Howarth (2007) in their study of airport governance networks that highlights that, far from rational negotiation, the policy making process was characterised by irreconcilable conflict. Despite this recognition of the negative aspects of governance networks from scholars such as Sørensen and Torfing (2017) and others (Benz and Papadopoulos 2006), it remains an under-researched dimension of network governance research. As Börzel (2011) argues, there is a discernible selection bias in the literature towards empirical research that focuses on successful instances of network governance.

2.3.2 Multi-level governance

'Unravelling the state': Type I and Type II governance

The term MLG was first used by Gary Marks in the early 1990s as an organising concept to understand the participation of state actors at multiple territorial

levels in European Union (EU) regional policy. In his seminal paper, Marks (1993) described how EU decision making and policy processes were being transformed through interaction between sub-national and supra-national authorities that created trans-national networks of actors (Börzel 2002; Hix 1998; Rhodes 1995). In the twenty-five years since the first use of this term, multi-level approaches on EU policy instruments have expanded in various directions, such as structural funds policy (Heinelt et al. 2003), regional partnerships (Bache 2010; Bache and Olsson 2001) and open method of co-ordination (Eberlein and Kerwer 2004). Furthermore, MLG has formed a core organising framework for scholars working in devolution and federalism studies (Flinders 2011; Keating 2010; Mitchell 2010; Keating et al. 2003), with studies highlighting the impact of territorial devolution on decision making authority and the potential for policy divergence in the new political space created following devolution in the UK context.

In addition to the development of these distinctive research agendas, MLG has been developed and refined in response to criticisms that this framework represented little more than a 'proto-theory' awaiting theoretical refinement (Jordan 2001). Bache *et al* (2015) suggest that criticisms of MLG galvanised attempts to develop a more theoretically robust tool of political analysis, strengthened by Hooghe and Marks' demarcation between two contrasting types of MLG that they argue has resulted in the 'unravelling' of the state (Hooghe & Marks 2003). Type I MLG in this framework describes governance in which decision-making authority is restricted to a limited number of non-overlapping jurisdictions. It refers to jurisdictions that tend to have durable responsibilities and undertake a wide range of policy functions (Bache et al. 2016). Type I MLG therefore captures state-focused dimension of governance This is contrasted with Type II MLG that describes governance arrangements which are task-specific and have a flexible institutional design (Skelcher 2005). Type II MLG has been adopted to capture the 'unbundling' of the state to arms-length bodies, such as public-private partnerships, quangos, commissions, and executive agencies (Pollitt and Talbot 2003). The concept of Type II institutions resonates with conceptions of networks as flexible governing arrangements in which roles and responsibilities are dispersed between state and non-state actors (Black 2008).

Following on from this, the conceptual dichotomy of Type I and Type II governance developed by Hooghe and Marks (2003), implies a shift away from established democratic institutions towards governing arrangements in which the government learns to metagovern networks and coordinate the sphere of delegated governance (Dommett & Flinders 2015b). As Marks (1996) argues, MLG denotes an actor-centred approach that calls attention to the different types of actors that are engaged in Type II bodies at multiple levels of government:

> The point of departure for this multi-level governance (MLG) approach is the existence of overlapping competencies among multiple levels of governments and the interaction of political actors across those levels […] The presumption of multi-level governance is that these actors participate in diverse policy networks and this may involve subnational actors – interest groups and subnational governments – dealing directly with supranational actors (Marks et al 1996: 167).

MLG thus raises empirical, theoretical, and normative questions (Piattoni 2009) about the informal interconnections between Type II bodies and the creation of transnational networks of actors (Bache and Flinders 2004). Skelcher observes how boundary-spanning actors involved in governing processes at multiple levels may be able to 'challenge and recast the existing patterns of governmental authority' (2005: 96). For example, Woll and Jacquot (2010) observe that corporate actors move between different levels of the EU political system in pursuit of their political and economic objectives, which can lead to actors shaping the rules of the game.

Multi-level governance as actor-centred

All this suggests that MLG theory is geared towards not just multi-level processes, but also *multi-actor* approaches that explore how governance networks involve actors that move across traditional spheres of political authority. The actor-centredness of MLG approaches emphasises the blurring of boundaries between public and private, drawing attention to the complexities of multi-level advocacy (Baumgartner 2007) and venue-shopping (Coen 2007) between different institutional settings. In this sense, MLG approaches invite reflection on how the boundary-spanning activities of non-governmental actors

creates functional overlaps between Type II bodies, leading to governance networks that are 'superimposed in a disorderly fashion to one another and to Type I jurisdictions' (Piattoni 2009: 171).

Furthermore, Marks and Hooghe's (2004: 15) understanding of MLG as denoting a shift towards 'a complex, fluid, patchwork' of governance, suggests an increasing role for non-governmental actors in collective decision making. A defining characteristic of Type II MLG is the flexible design of institutions, drawing on the notion of governance as synonymous with an accommodative approach to negotiated interaction between government and non-governmental actors (Peters and Pierre 2004). As Piattoni (2009) observes, MLG is itself a multi-level concept that raises different normative and theoretical questions. It is both a theory of polity structuring, and at the same time a theory of policy making. All this suggests that to study partnerships through the lens of governance theory, it is also necessary to explore how industry actors operate across Type II jurisdictions and what the implications are for governing obesity policy. With this in mind, the following section examines the concept of accountability as a standard of legitimate decision-making.

2.3.4 Accountability

Accountability as a concept

The notion that accountability is the unfortunate victim of *conceptual stretching* (Sartori 1970) has become a something of a trope in the increasingly dense literature exploring its scope and meaning. The simple argument of many academic researchers is that the analytical leverage of this concept is inversely proportionate to its use in contemporary political discourses (Bovens 2007; Mulgan 2000). Variously, the academic literature refers to accountability as a chameleonic concept (Mulgan 2000), synonymous with feel good standards of *good governance*, such as participation and transparency (Busuioc 2013; Lodge 2008; Bovens 2007). It is against this backdrop that Pollitt argues that accountability has become 'a Good Thing, of which it seems we cannot have enough' (Pollitt 2003: 89). This critique is echoed in one of the most widely cited papers in this literature, which suggests that 'the concept has become less

useful for analytical purposes, and today resembles a dustbin filled with good intentions, loosely defined concepts and vague images of good governance' (Bovens 2007: 449).

However, this framing of accountability, as having become decoupled from its core function, underplays the symbolic dimensions of the concept. For instance, in her study of UK targets on asylum, Boswell (2015) demonstrates that performance targets performed an important symbolic function in signalling a commitment to immigration policy reform. However, there are perhaps legitimate reasons for accountability scholars to define this concept in narrow terms. As Dubnick (2011) argues, the pervasive role of the 'accountability space' in contemporary frameworks of network and multi-level governance, demands that priority is given to the nature of accountability regimes. In this view, the *promises* of accountability (Dubnick and Frederickson 2010) have become embedded in discourses of *good governance* framed in terms of greater effectiveness and improved performance. The potential consequence of this narrative, is that chameleon-like understandings of accountability as synonymous with feel good concepts (Busuioc 2013) undermine a focus on its primacy in frameworks of contemporary governance.

Three stages of accountability

The response of scholars, such as Mark Bovens and Madalina Busuioc, has been to explicitly define accountability in narrow terms as a means of assessing social relations that constitute the 'accountability space'. This narrow conceptualisation starts from an understanding of accountability as a relationship between different actors in which one gives account, and others have the authority to impose consequences (Mashaw 2006; Bovens 2007). While the precise nature of accountability is envisaged differently by scholars, there is broad agreement upon a minimal understanding of accountability as a communicative interaction between an accountability forum and actor in which the latter gives an account and provides reasons for their actions against the backdrop of possible sanctions (Day and Klein 1987; Romzek and Dubnick 1987; Mulgan 2000). In other words, a minimal definition of accountability presupposes relatively formalised social relations in which an actor has a duty

to provide information and another actor has the authority to demand relevant information and pass judgement (Bovens 2007).

This research adopts the analytical framework developed by Bovens, who defines accountability as a three-stage process: (i) informing (ii) explaining (iii) possibility of consequences. The first stage is the *ex post* provision of information to the accountability forum(s) by the account giver. The form, content and timing of information are key factors that shape conceptions of accountability (Black 2008). As Busuioc (2013) observes, the provision of information is an indispensable, though not sufficient element of accountability. In order to theoretically and empirically refine our understanding of what it means to give an account it is important to recognise that the provision of information is not a neutral or technical process (Lastra and Shams 2001). Conversely, an interpretive approach to understanding account-giving involves making sense of informing as narratives (Radaelli et al. 2013) that are rationally constructed in order to enhance an organization's legitimacy (Black 2008). The second stage of the process involves the accountability forum asking questions, demanding answers or additional information (Busuioc 2013). In other words, the forum can ask (or require) conduct or reporting standards to be explained, which enables the forum to assess actors' behaviour. At this point, it is important to emphasise the relation between accountability and *transparency*. While transparency is a key element across all three stages of accountability, it is not sufficient to constitute accountability (Bovens 2007). For influential researchers of accountability, such as Mulgan and Dubnick, communicative interaction between the forum and actor is a central process of accountability. In the words of Mulgan (2003: 9), 'forcing people to explain what they have done is perhaps the essential component of making them accountable. In this sense, the core of accountability becomes a dialogue between accountors and account-holders'. Or, put slightly differently, a central assumption at the core of accountability is that account-giving is a discursive process that enables and promotes exchange and assessment of information – communicative interaction is dialogical. The third stage in accountability is the *possibility* of consequences that is widely perceived as a necessary precondition of being held to account. Bovens (2007) theorises this stage as constituted by informal and formal mechanisms of accountability that have potentially negative (or positive)

consequences. Formal sanctions vary from fines, disciplinary measures, or even the 'nuclear weapon' of liquidation. Following the work of Scharpf (1997) and others, scholars such as Börzel & Risse (Börzel and Risse 2005) and Héritier (2002), emphasise the degree to which non-hierarchical modes of negotiation take place under a 'shadow of hierarchy' of the threat of command regulation. This implicit or explicit threat to impose binding rules provides a strong incentive for non-governmental actors to change their behaviour in ways that align more closely with governmental policy objectives (Börzel & Risse 2010). In other words, what has been termed a shadow of hierarchy constitutes the damoclean sword of control (Papadopoulos 2007), reducing the incentives for actors to veto or exit from voluntary commitments (Héritier and Lehmkuhl 2008). At the other end of the scale, informal consequences may involve reputation-based approaches in which actors will seek to advance their credibility and legitimacy vis-à-vis different audiences (Busuioc and Lodge 2016). This approach contends that organizations are driven by reputational concerns as a means of demonstrating their credibility, or signalling the legitimacy of particular decisions (Carpenter 2014). Informal mechanisms of accountability presuppose that political interest and media reporting of policy problems (Boswell 2012) will prompt actors to engage in accountability seeking behaviour, as an organisational response to reputational risks. This research empirically explores the operationalization of reputation-based accountability mechanisms under the Coalition government as a functional equivalent to a shadow of hierarchy, highlighting the weaknesses of this approach in producing the kind of voluntary self-regulation that might substitute for traditional forms of regulation.

Principal-agent theory

A feature of the literature on accountability is the widespread application of principal-agent theory as a model of social relations, predicated on the arms-length principle between principal and agent (Flinders 2001). Principal-agent models theorise that the delegation of functions at arms-length from central government departments – implemented as part of New Public Management (NPM) reforms over the past three decades (Pollitt and Bouckaert 2004) – require procedural instruments that institutionalise *ex ante* control of rules, standards and norms and *ex post* auditing requirement and the possible threat

of sanctions (Flinders 2008). These dimensions of control are framed as a solution to the problem of "accountability deficits" and "agency loss" (Strøm 2000). In principal-agent accounts, preventing bureaucratic "drift" (McCubbins, Noll, and Weingast 1987) is focused on reducing information asymmetries between principal and agent. In public administration, principals are assumed to be elected politicians (often ministers) and agent an umbrella term used to describe the third parties that have been delegated responsibility by the principal (Schillemans and Busuioc 2015) The theoretical core of principal-agent theory is therefore simple: the delegation of functions at arms-length necessitates that the principal monitor and assess the behaviour of the agent. Accountability therefore denotes a conflictual relationship between actor and forum(s) characterised by distrust, which assumes that agents invariably need to be prevented from "shirking" (McCubbins and Page 1987) through monitoring and political oversight (Krause and Meier 2005).

As Busuioc and Schillemans (2015) observe, the literature on accountability is characterised by scholars that explicitly use principal-agent theory, but note that most research reflects the assumptions typically addressed in principal-agent theory. For example, a high-profile book on global health governance (Clinton and Sridhar 2017) explicitly draws on principal-agent theory as an organising framework to assess the effectiveness of partnerships in addressing issues such as TB and malaria. Indeed, Bovens *et al* note that their concept of accountability is 'firmly grounded in monocentric, state-oriented models of governance, which presupposes that 'accountor' and 'accountee' are known, coherent, straightforward entities embedded in a single and clear-cut governance system' (Bovens, Goodin, and Schillemans 2014). Taking these assumptions forward, the Busuioc and Schillemans highlight the limits of principal-agent theory as a model of accountability relationships in practice. The findings of this research emphasise accountability as a relational, interactional process, emphasising that principals sometimes delegate functions they do *not care* about, do *not want* to hold actors accountable, and *fail* to take information seriously. Furthermore, research within governance-focused political science (Koop 2014; Skelcher 2010; Thatcher 2002) and regulation-related research (Black 2008; Mörth 2007) have noted that the assumption of hierarchical

relationships implicit in principal-agent approaches under-theorises the interdependencies of governance networks.

Accountability in networks

While the strength of principal-agent theory is its simplicity, a growing body of literature (Busuioc & Schillemans 2015; Bache et al 2015; Flinders 2008; Black 2008; Papadopoulos 2007) has highlighted the limits of this theoretical framework in understanding contemporary modes of network and multi-level governance. Indeed, researchers working within the paradigm of principal-agent frameworks have suggested that decentred forms of governance pose a significant challenge to the notion of accountability as structured by a clear chain of delegation between principal and agent (Bovens et al 2014). While the rational assumptions of principal-agent models provide a parsimonious micro-political theory of delegated governance (Flinders 2008), the simplicity of this framework under-plays the complexities of governance networks characterised by multiple accountability forums involving multiple, interdependent actors. In contrast to the state-centric model of delegated governance assumed in principal-agent accounts, the interdependencies of polycentric networks disrupt hierarchical relationships (Black 2008).

First, the inclusion of non-governmental actors in the forums for co-production based around collective decision-making (Sørensen & Torfing 2017) challenges the idea of linear models of accountability relationships within governance networks. Conversely, negotiated interaction between governmental and non-governmental actors constitute an accountability space in which organisational boundaries are blurred. In contrast to the portrayal of accountability as a contractual relationship between principal and agent, the accountability space within governance networks can be conceptualised as dialectical (Black 2008). This non-linearity is attributable to the direct participation of non-governmental actors in the institutional design of the accountability space, such as reporting requirements and monitoring frameworks. In other words, the integration of non-governmental actors as co-producers of decisions that affect them results in a dispersal of regulatory roles and responsibilities, in which actors who are expected to “render account” are involved in formulating rules and standards

that constitute accountability relationships. This blurring of boundaries has been described by accountability scholars as the problem of "many hands" (Thompson 1980) or 'paradox of shared responsibility' (Bovens 1998). This relates to the idea that policies pass through the hands of multiple actors, diluting responsibility and rendering it difficult to disentangle which actors have contributed in what ways to the formulation and implementation of policy (Bovens 2007). Accountability relationships are likely to resemble a 'complex undergrowth' of institutional practices that lack coherence (Curtin 2007). This, in turn, may allow actors to strategically engage in blame-shifting strategies and risk transfer that distances them from political dilemmas (Hood 2007).

The problem of 'many hands' thus focuses attention on the central question of meta-governance as a steering mechanism to effectively manage the 'undergrowth' of accountability mechanisms that are likely to proliferate in polycentric governance networks. As discussed (above), the concept of meta-governance describes the mechanisms that facilitate self-regulation and strategically guides actors in a certain direction (Sørensen & Torfing 2009). At the core of public governance, is a commitment to meta-governing the "accountability space" in ways that institutionalise effective reporting and monitoring frameworks that affect how actors "render account". If we return to the three-stage accountability process, accountability depends on the exercise of meta-governance in ways that promote coherence in policy formulation and implementation. The key challenge for government actors is therefore to ensure that the institutional design of governance networks holds actors to account in ways aligned with the stated policy goals (Dryzek 1999). This may include reporting standards (what types of information are legitimate), forums that involve governmental and non-governmental actors in communicative interaction over information provision, and the presence of sanctioning mechanisms to reduce the incentive for actors to renege on collective agreements (Börzel & Risse 2010). However, as Busuioc and Schillemans (2015) observe, it should not be assumed that forums have an interest in holding actors to account, as is assumed by certain network theorists (Kickert, Klijn, and Koppenjan 1997). As Sørensen and Torfing argue in their account of meta-governance, 'there is no guarantee that politicians and public managers will assume this responsibility; they are also engaged in political conflicts and power

struggles and may seek to exploit their privileged position to pursue particularistic interests' (2009: 235). Moreover, accountability relationships may prove particularly challenging to meta-govern, given implicit or explicit expectations of collaborative decision making in the design and decision processes of network governance. As Koppell (2005) observes, the practice of accountability is marked by competing expectations of its operative definition, giving rise to *multiple accountabilities disorder*. This refers to the notion that public officials attempt to mix together different types of accountability (in Koppell's typology, the five dimensions of accountability include transparency, liability, controllability, responsibility, and responsiveness) that resembles a 'bureaucratic version of Twister' in which public officials are often confronted with irreconcilable expectations. Indeed, even where governments take the role and responsibilities of meta-governance seriously, this may not be sufficient to incentivise compliance with negotiated agreements in situations where non-governmental actors retain veto power and can exit governance networks to pursue their interests unilaterally (Papadopoulos 2007). All this suggests that understanding governance networks necessitates making sense of complex processes of decision-making in which responsibilities are dispersed among multiple actors. This is the focus of several of the empirical chapters in this research, which explore how accountability mechanisms are operationalized and shaped by state and non-state actors. In order to unpack these processes, the thesis draws on the deliberative policy analysis perspective of Hajer and Wagenaar (2003), discussed in the final sub-section of this chapter.

2.3.5 Deliberative policy analysis

In the preface to their edited collection, *Deliberative Policy Analysis: Understanding Governance in the Network Society*, Hajer and Wagenaar (2003) argue for a new vocabulary of political analysis that helps to understand new forms of governance. Taking *The Argumentative Turn* as a key point of reference, Hajer and Wagenaar argue that deliberative approach to the study of policy mark an attempt to build on the intellectual foundations of Fischer and Forester's (Fischer and Forester 1993) seminal work. In this sense, deliberative policy analysis is not epistemologically or methodologically different from other interpretive approaches, as a reiteration of the practice-orientation of political

and administrative work (Wagenaar and Cook 2011). Deliberative policy analysis (DPA), as conceptualised by Hajer and Wagenaar, understands language as related to the concrete practices of political decision making. The idea that language and practice are mutually constitutive is reflected in Hajer's understanding of discourse as 'an ensemble of ideas, concepts and categorizations through which meaning is allocated to social and physical phenomena, and which is produced and reproduces in an identifiable set of practices' (Hajer 1995: 44)

It is important to note that the discourse-analytical framework developed in *Deliberative Policy Analysis* was framed by its authors as a response to the changing nature of policy making and politics. At the core of this approach is the claim that classical-modernist institutions (e.g. the core executive) co-exist with the informal practices of governance networks that are claimed to represent 'new political spaces' (Hajer 2003: 178).

In this research, I focus more specifically on the discursive-analytical framework theorised by Maarten Hajer, in which he develops the idea of policy making as a series of *performances* that take place under uncertain institutional conditions. This approach proposes a threefold operationalization that differentiates between discourse, performance, and deliberation, all of which are explicitly linked to the practice orientation of DPA. The discourse dimension draws on the definition (above) formulated by Hajer in his first book, *The Politics of Environmental Discourse* (Hajer 1995), with a vocabulary of 'politics as performance' developed across subsequent papers including an interpretive study of the process of rebuilding *Ground Zero* (Hajer 2005). Drawing on J.L. Austin's (Austin 1975) analysis of speech acts as things that 'do things' and Edelman's (1985) understanding of governance as political drama, Hajer points to the physical-symbolic contexture in which political decision making takes place. In this sense, performance theory understands discourse and practice as reproduced in a particular *setting* constructed by institutional *scripts* that embed a logic of appropriateness (March and Olsen 1989), *staged* interactions of the meeting as the central practice of politics, and the document as the principal artefact of politics that co-constructs discourse and practices (Freeman 2006). To analyse politics in terms of performativity, opens the study of a policy process

to questions that are not captured through discourse-analytical tools (Hajer 2005). For example, how are rules and norms of interaction determined? What actors are involved? Who is the audience? In this research, I use the idea of performativity as a conceptual bridge between meso-level accounts of network and multi-level governance and micro-level DPA. The analytical focus here is on the use of meta-governance tools in 'setting the stage' of negotiated interactions and the performative dimensions of accountability as staged acts of corporate responsibility (cf. Dubnick 2005).

To explore these questions, I also turn to the work of Erving Goffman. While Hajer (2006) draws on Goffman in understanding politics as a series of staged performances, we might also consider Goffman's (1959) distinction between frontstage and backstage in exploring the performative dimensions of governance. As Wodak observes in her political ethnography of EU decision making, the notion of performance is linked to a demarcation between the frontstage of institutional settings and the backstage of the *politics du couloir* (Wodak 2009: 4). Moreover, Van Tatenhove (2003) highlights the strategic motivation that actors often have in negotiating the 'rules of the game' of governance arrangements in backstage settings. This is examined in Chapter 6, which traces corporate influence in the hidden back stage of policy making.

Before we move on to the deliberative dimension it is important to stress that Hajer (2006) considers discourse and performativity as particularly useful tools of analysis that can be used to empirically explore the shift towards political practices that have emerged between and beyond Type I institutions, conceived as state-focused jurisdictions (Bache et al 2016). A key concept for Hajer is the hypothesis that the emergence of informal spaces of politics means that policy making often takes place in the *institutional void* where 'there are no clear rules and norms according to which politics is to be conducted and policy measures to be agreed upon' (Hajer 2003: 175). In contrast with the codified rules and decision making procedures of traditional institutions, Type II bodies are marked by conditions of *institutional ambiguity* where there are no commonly agreed rules that predetermine where and how a legitimate decision is to be taken (Hajer & Versteeg 2005). It is clear that Hajer (2003) has in mind governance networks as operating in conditions of ambiguity, or in extreme cases the

institutional void. In a co-authored paper with Wytske Versteeg, they conclude that ‘any particular governance network will first have to develop a shared discourse and ‘set the stage’, that is, work out a script for resolving conflict and develop its logic of appropriateness’ (Hajer & Versteeg 2005: 346). The dynamics of informal governance therefore create ‘living institutions’ (Hajer 2006) in which rules are not codified in agreed-upon procedures, but negotiated in practice. This refers to both negotiated interaction over substantive issues of policy but also the institutional ‘rules of the game’ according to which negotiation is to take place (Hajer 2006). In other words, what DPA shares with the relational school of governance is a focus on the proliferation of networks as modes of governance that include non-governmental actors in joint decisions over policy formulation and implementation. As such, it provides an intellectual bridge that links analysis of the discourse and practice of partnership to meso-level concepts of networks and multi-level governance.

Finally, the emphasis on deliberation reflects a broader ‘deliberative’ turn in the field of policy analysis. The shift towards understanding policy in terms of participation can be traced to a shared theoretical and empirical interest of democracy theorists and political scientists in the potential of deliberative forms of network governance (Escobar 2015). From this shared interest two contrasting themes have gained prominence. First, the shift to governance has been interpreted by a range of prominent democracy theorists as a tool to enhance participation and representation in political decision making. In this field, John Dryzek (2002) and Archon Fung (2006) are notable for having explored network governance in terms of its potential for democratic government. For instance, Fung (2003) draws on in-depth analysis of Chicago municipal agencies to develop a framework of ‘empowered participation’ in participatory governance. While it is important to acknowledge the heterogeneity of this literature, a central assumption of deliberation in the context of public policy is that communicative interactions align with normative ideals of reciprocity and reasonable dialogue (Fung 2006; Gutmann and Thompson 1998). This conceptualization of deliberation draws on democratic social theory, and specifically Jürgen Habermas’ ‘communicative ethics’ (Habermas 1986), to portray communication as taking place in spaces of politics that induce reflective decision making (Dryzek and Hendriks 2012). The

Habermasian idea of deliberation as a practice in which the force of the better argument prevails, is a central assumption of much deliberative theory (Fischer 2003). For example, della Porta argues that 'we have deliberative democracy when, under conditions of equality, inclusiveness and transparency, a communicative process based on reason (the strength of the good argument) is able to transform individual preferences and reach decisions oriented to the public good' (Porta 2005). In other words, Habermasian ideas of deliberation assume that actors will demonstrate a shared willingness to be persuaded based on argumentative reasoning. However, this research contrasts the deliberative ideals of policy statements with the realpolitik of back stage decision-making.

Second, the work of many network theorists resonates with deliberative ideas that depict policy making as an accommodative and consensus-oriented process (Stoker 1998). In this view, deliberative principles can be expected to shape interaction between governmental and non-governmental actors leading to learning processes and the joint production of effective public policy (Sørensen & Torfing 2017). In a deliberative understanding of governance networks, preferences are not fixed but subject to discursive challenges. As Risse (2004) theorises in his research on processes of global governance (Risse 2000), deliberative processes such as arguing and persuasion imply that actors are prepared to change their interests or worldviews when presented with the better argument. Indeed, in their study of arguing and bargaining in multilateral negotiations, Ulbert and Risse (2005) find that specific phases of negotiation *are* characterised by deliberative processes that successfully reframed the sequencing and normative principles of policy negotiations on the Ottawa Treaty banning landmines. However, as the authors conclude, the institutional context of a 'dense framework of previously agreed-upon principles, norms, and rules […] had strong effects on negotiating outcomes (Ulbert & Risse 2005: 363). In other words, institutional design is central to shaping how deliberation works and achieving the conditions for 'thick' forms of deliberation is invariably resource and time-intensive (Elgström and Jönsson 2000). For example, Dryzek and Hendriks (2012) argue that designing or achieving deliberation demands focus on design issues around the structure and rules that help actors to engage in reflective decision making, careful facilitation that

empowers and challenges issues under deliberation, and the roles of responsibilities of actors in meta-governing forums in agenda setting (Mansbridge et al. 2006; Fung and Wright 2003). The above suggests that achieving even deliberative *moments* (Hajer and Versteeg 2008) in governance networks require that the role of institutional design in shaping the 'rules of the game' is taken seriously. Even where policy processes are designed to facilitate deliberation, participation is affected by the incentives for actors to pursue economic or policy preferences unilaterally (Ansell & Gash 2008). As Holzinger suggests, 'external factors can […] set very narrow parameters for negotiated settlements. No negotiation or discursive procedure, regardless of how well it otherwise progresses, can overcome exogenous restrictions and better outside options' (2001: 93). The straightforward argument here, is that the starting conditions for collective decision making is the expectation that there exist incentives for engaging in negotiation. For example, a *strong* shadow of hierarchy provides a non-trivial incentive for commercial sector actors to cooperate over voluntary agreements (Schillemans 2008). All this implies the fragility of deliberative processes in governance networks (Hajer & Versteeg 2008).

Moreover, this discursive fragility points to policy areas where fundamental (and often irreconcilable) conflicts of interest exist between the economic policy objectives of commercial sector actors and public policy objectives (Thauer 2014; Collin 2012). In such instances, communicative interaction is likely to shift towards bargaining[3] or might simply lead to lowest common denominator solutions and deadlock (Börzel 2011). Indeed, the notion that governance networks operate on deliberative 'software' (Dryzek 1996) risks framing decision making as taking place in a power-free space in which actors can learn through deliberation (Papadopoulos & Warin 2007). As one of the few scholars that has explored how policy actors with vested interests engage in deliberative forums, Hendriks (Hendriks 2006) concludes that interest organizations chose to support or oppose citizens' forums based on calculations about the instrumental value of participation. This finding underpins the empirical and

[3] While it is possible to demarcate bargaining and deliberative processes of problem solving or persuasion based on the process tracing of the sequence of negotiation, in practice bargaining and arguing processes usually go together (Risse 2004)

theoretical focus of this research concerning modes of interaction in the governance of UK food and obesity policy.

A discourse-analytical framework

This section details the two analytical frameworks that this research draws upon. The first is Sørensen and Torfing's 'tools of metagovernance' framework that outlines four overlapping forms of metagovernance:

1. *Network design* that aims to influence the scope, character, composition, and institutional procedures of networks
2. *Network framing* that seeks to determine the political goals, fiscal conditions, legal basis and discursive story-line of the networks
3. *Network management* that attempts to reduce tensions, resolve conflicts, empower particular actors and lower the transaction costs in networks by providing different kinds of material and immaterial inputs and resources
4. *Network participation* that endeavours to influence the policy agenda, the range of feasible options, the premises for decision-making and the negotiated policy outputs

(Sørensen & Torfing 2009: 456-247)

Sørensen and Torfing describe the first two tools as 'hands-off' forms of metagovernance that elected officials and policy makers can employ to design institutions and discursively shape the boundaries of action. This notion of hands-off metagovernance is used to explore three dimensions of governance: the operationalization of accountability mechanisms in Chapter 5; food industry influence in informal back-stage practices in Chapter 6; and negotiation of a voluntary standard on responsible marketing in Chapter 7.

Second, the thesis draws on insights from the discursive institutionalist approaches as a lens to understand the role of ideas and discourse in institutional contexts. This fourth 'new institutionalism' (in addition to rational choice, historical and sociological institutionalisms) is concerned with the constitutive role of ideas in institutional contexts. As such, it is overtly constructivist in viewing ideas as constitutive of institutions (Smith 2013b). Through this ideational constructivism, discursive institutionalism depicts actors as both constrained by ideas that have undergone process of

institutionalisation, but also able to 'conceive of and talk about institutions as objects at a distance, and to dissociate themselves from them even as they continue to use them' (Schmidt 2008: 316). Discursive institutionalist accounts have tended to examine the role of ideas in policy making, which develop theoretical claims based on the empirical study of the mobilisation, circulation, and institutionalisation of ideas in different policy contexts (Schmidt 2016; Boswell and Hampshire 2017; McCann 2014; Smith 2013b). While the boundaries between ideational and discourse research is blurred, a demarcation can be drawn between scholars that focus on the substantive content of ideas (Palier 2005; Campbell 2004; Blyth 2002; Berman 2001; Sabatier 1998; Weir 1992) and those that explore the interactive processes through which ideas shape, and are shaped by, institutions (Schmidt 2012). In this research, I focus on the discursive interactions through which partnership ideas are communicated through discourse and embedded in practice. Following Schmidt (2012), interactive processes of discourse may involve policy actors engaged in *coordinative* discourses in dialogical forms of interaction, such as deliberation, discussion, and bargaining (Landwehr and Holzinger 2010). The coordinative sphere encompasses the wide range of actors that interact in the construction of policy (Schmidt 2011). This term could describe transnational advocacy networks (Keck and Sikkink 1999) or 'epistemic communities' of policy experts, but is focused in this research on the interactions between state and non-state actors in partnership working. On the other hand, the term *communicative* sphere refers to how policy preferences are substantiated in political debate, where political parties, interest groups, and think tanks depend on media reporting to attract political attention (Boswell 2012). While the distinction between coordinative and communicative spheres is not used explicitly in this research, this conception of discursive practices underpins much of the analysis developed in the thesis. This framework is situated more broadly within an interpretive approach to policy analysis that focus on meanings that shape action and institutions, and the way in which they do so (Bevir and Rhodes 2004). This is the focus of the following chapter on methodological approach.

Chapter 3. Methodological approach

3.1 Introduction

This chapter outlines the methodological approach of the thesis, focusing on the use of an interpretive approach to studying policy, key informant interviews, and analysis of documents. This chapter is structured into three sections that explore: the methodological approach of the thesis and its empirical focus; practical details of fieldwork; and a reflexive account of doing interpretive research. Taken together, this provides a rationale for interpretive policy analysis, and explores conceptual and methodological debates about ways of doing interpretive analysis. The first section describes interpretation in policy analysis, which can be broadly defined as a set of approaches to understand the ways in which meaning shapes institutions and how this is interconnected with political practices (Cook and Wagenaar 2012; Yanow 2007; Bevir and Rhodes 2003). This represents the overarching methodological approach, incorporating interviews and documentary analysis. The second section offers a reflexive account of the practices and experiences of key informant interviews. It begins with a descriptive overview of the approach taken to interviewing, before considering the methodological literature on 'elite' interviews in relation to my own experiences of interviewing individuals engaged in obesity policy debates in the UK. The third section examines the use of documents in this research, conceptualising documents in terms of their substantive content and as artefacts of governing practices (Freeman and Maybin 2011). This section draws on the discourse-analytical framework outlined in the previous chapter, and outlines the rationale and use of frame analysis as a key tool in my methodological approach.

3.2 Interpretive policy analysis

Interpretive policy analysis is an approach to political studies that focuses on meaning. It explores the ways in actors make sense of the world and how their perceptions relate to practices (Boswell and Corbett 2015; Yanow 2000). The interpretive turn in policy analysis is self-consciously positioned as an alternative to rational positivist approaches (Wagenaar 2007) which are associated with the assumption that it is not possible to generate objective

knowledge about policy (Fischer and Gottweis 2013). This rejects the idea that there is a reality 'out there' that exists independently of our knowledge of it (Wagenaar 2011).

Over the last three decades, interpretive policy analysis has emerged as an established research program within mainstream political science. Among the first to conduct and advocate for interpretive research were Dvora Yanow (1996), Fischer & Forester (1993), Hajer (1995), Rein & Schön (1977), Deborah Stone (1989), and Bevir & Rhodes (2003). In the field of health governance, interpretive researchers have studied a range of public health issues, such as food safety (Paul 2012; Wilkinson 2011; Hajer 2009), the relationship between evidence and policy (Smith 2013b; Abeysinghe 2012), and commercial sector engagement and interference in public health policy making (Hawkins and Holden 2013; Smith et al. 2010)

While there are nuanced differences in normative dimensions, methods, and vocabulary between multiple sub-fields (such as Hajer's performative theory of governance, or Bevir and Rhodes' decentred approach focused on 'governance stories'), interpretive approaches share a focus on what policies, texts, stories, and objects 'mean' in their political context. This approach is captured by Yanow (1996), who argues that interpretive approaches introduce a set of what, how, and to whom questions. For interpretive researchers, policy analysis explores how actors attach meaning to social and political phenomena, and how this meaning in turn shapes institutions, practices, and policies. This is captured in Bevir and Rhodes' (2004: 130) definition of interpretive policy analysis, which states that 'interpretive approaches to political studies focus on meanings that shape action and institutions, and the ways in which they do so'.

It is useful to highlight some of the tenets of interpretive policy analysis, in which analytical approaches share a set of ontological and epistemological presuppositions. In terms of ontology (the existence or 'reality' of a particular phenomena), interpretive approaches are linked to social constructivism (Hendriks 2007). This philosophical position views social and political phenomena as socially constructed though the meanings that actors attach to them. Interpretive researchers rarely, if ever, claim that everything is socially

constructed. This ontological position is most identifiable with 'critical realists' (Gofas and Hay 2010), who distinguish between the material world and its social construction. Searle (1995) distinguishes between 'social facts' which are dependent on meaning and knowledge for their existence (and are therefore socially constructed), and 'brute facts' which exist regardless of whether actors acknowledge their existence or not (think of the Himalayas). Thus, critical realists accept that a material reality exists, while maintaining that much of the world is constructed beyond a basic level (Schmidt 2012). In this view, political institutions are sets of informal rules and practices that are 'real', even though it is socially constructed (Olsen 2013). Second, from an epistemological perspective, interpretive policy analysis is focused on: (i) embodied assumptions and frames; and (ii) how meaning is enacted in practice, and inscribed in texts or artefacts (Ercan, Hendriks, and Boswell 2017; Freeman and Sturdy 2015; Yanow 2007)

Reflecting these philosophical assumptions, interpretive policy analysis focuses on developing in-depth case studies, contextualise within their political and social context (Fischer 2003). Thus, interpretive researchers are interested in generating data though interviews (Smith 2006), analysis of key policy statements (Fairclough 2003; Wodak 2000), exploring the production of documents (Freeman 2006), and ethnographic methods (Gains 2011). For the purposes of this research, I felt it was important to explore how partnerships are constructed and discussed in policy documents, their operationalization across administrative and political contexts, and the ways in which frames and discourses relate to particular practices. The aim of this research was to explore partnership as a set of texts, stories, events, and practice, using key informant interviews and documents as core methods of interpretive policy analysis (Wagenaar 2011). The first phase of the interpretive research process began with scoping reviews of the political science and public health literatures and background reading to contextualise myself with the policy context in UK and Scottish administrations. As part of this process, I was interested in political science literatures that could help conceptualise this mode of governance. As discussed in Chapter 2, I turned to three inter-related meso-level theories developed within sub-fields of political science: network governance, public accountability, and deliberative policy analysis. Based on extensive reading

within these literatures, I generated two research questions that set out to explore the 'black box' of partnership. As discussed in Chapter 1, the first question focused on the construction and operationalization of partnership by UK and Scottish government. The second research question related to the analytical usefulness of governance theories in exploring partnership working, and asked what this empirical case study of obesity policy reveals about the practice and theory of governance networks. The following sections of this chapter focuses on how interviews and documents were used to explore the practice of partnership.

3.3 Semi-structured interviews

3.3.1 A descriptive overview of the interview process

The first stage in the research process was to identify a list of potential interviewees. This list was constructed through a wide range of sources, including: (1) partnership documents, such as action notes and attendee lists; (2) parliamentary reports, and particularly Health Select Committee inquiries into obesity; (3) searches of Scottish government and Department of Health websites; (4) the use of Linkedin (a professional networking website) to search for individuals that did not appear in Google searches; (5) keyword searches using Google (especially of public health advocacy organisations and industry trade association websites). This list was created using an Excel spreadsheet, which included information relevant to the potential interviewees' involvement in obesity policy making. For example, organisational affiliation (e.g. academic institution, government department, advocacy organisation), previous/current roles and responsibilities, email address (obtained from websites), and a biographical note of their activities in this policy area. This list was constructed during the first stage of research, and was regularly updated to add potential interviewees. In total, 160 individuals were identified and added to this spreadsheet. Working from this initial list, 82 individuals were approached, based on posts that they had held (or continued to hold) that I felt were relevant to partnership working and public health policy making more broadly. The removal of 78 individuals from the list of potential interviewees was based on two criteria: the perceived closeness of fit between the professional occupation

and individuals and this research project; and whether there existed individuals within the same organisation and/or institution that I felt were better placed to talk about partnership working. During the fieldwork stage of the research, the spreadsheet was updated to reflect interviews that been undertaken (coloured green), interview date/time confirmed (amber), or requests that were refused and/or received no response (red). Using this process helped to manage the interviewing process, and was particularly useful in maximising time spent in London conducting fieldwork.

In the end, 51 individuals agreed to be interviewed; a relatively high response rate of 64%, which suggests that people were willing to talk about their experiences of obesity policy. These individuals included civil servants and former civil servants who had held posts relevant to public health policy in central government departments and non-departmental public bodies (NDPBs), academic researchers, individuals involved in public health advocacy within civil society organisations, and representatives from national and sub-national trade bodies that represented the manufacturing and food retail sectors. The aim was to interview a wide range of policy-based individuals, which was intended to capture the perspectives of non-state actors that were involved in governance processes. As the research aimed to explore partnership with the food industry at UK and devolved level, I focused on interviewing individuals who had experience of this mode of governance. In order to explore the longer-term political context of this policy issue, I also focused on interviewing individuals who had worked in obesity policy for an extended period of time. As Table 3.1 (below) illustrates, interviews were conducted with a cross-section of individuals based on professional position, with 23 being based in Scotland and 27 in England. It is important to note that, while the overall response rate was high, individuals from the DH were less willing to be interviewed (44%). While potential interviewees that declined to be interviewed did take the time to respond via email, the rationale for nearly all individuals that declined to participate was that they no longer worked in this policy area (as discussed in more detail later in this section). This compares to an extremely high response rate (85%) with individuals working within the Scottish government. While this may reflect a more open and consultative Scottish ‘policy style’ (Keating 2005), I would suggest that this access to policy makers in Scotland also related to

temporal aspects of policy processes (namely the increased time available to civil servants in the run up to elections; an issue discussed further in sub-section 3.3.3). The response rate from individuals that worked in public health advocacy organisations was very high across both regions (82%), which is perhaps unsurprising given that many organisations had been critical of partnerships as a governance tool and were open to speaking about these policy processes. This also appeared to be a factor in the high response rate of academic researchers (69%), which is also likely to reflect a normative commitment among academics to engage with research projects. For example, in the small talk that preceded and/or followed interviews (for example, during the walk to the meeting room), various interviewees remarked on their personal interest in this research topic. While I felt that these types of comments were constructive statements intended to help with my visible nervousness, it also seemed to reflect underlying normative and principles beliefs that provided a rationale for being interviewed. On the other hand, the response rate from trade associations was low (57%). However, this is likely to reflect the focus on interviewing individuals who had subsequently moved to different occupational positions, often in a different sector.

Table 3 1 A summary of interviewees

Interviewee's professional occupation	**UK**	**Scotland**	**Number of interviewees**	**Response rate (%)**
Civil servants	7	12	19	58
Public health advocates	10	4	14	82
Academic researchers	7	2	9	69
Trade association representatives	3	5	8	57
Total	27	23	50	66.5

Having discussed interviewing with one of my supervisors (Smith), who had in-depth knowledge of this methodological approach from her own experiences of

undertaking interviewees with policy-based individuals, I felt that guaranteeing anonymity (as had been the case during her research) was likely to be important in gaining access to individuals, and particularly those that had been involved in partnership working. On this basis, emails sent to potential interviewees included a consent form that described the steps taken to ensure anonymity, such as storing personal details and interview transcripts on a password protected external hard-dive (see Appendix III) In terms of gaining access more broadly, I used the information gathered on potential interviewees (see above) to personalise emails. This framed the interview in terms of my interest in *their* views and experience, rather than those of the department or organisation. For example, emails to potential interviewees referred to their occupation and experience of partnership working and/or obesity policy as the rationale for contacting them with a request for an interview. While this process was more time intensive than generic emails, various interviewees stated (both in email correspondence and face-to-face interviews) that this approach had influenced their decision to participate in my research. For example, an individual who was cautious about being interviewed was subsequently persuaded by follow-up emails that outlined my interest in this policy area and the contribution I felt that this interview would make to the research project, which made detailed reference to their work and involvement in policy making. To quote this individual, who stated that they received a 'large and increasing number of these requests', this contextualising information was key to their decision to participate in the research. While it is impossible to empirically assess whether generic emails would have adversely affected the overall response rate, it is evident that this approach was instrumental in securing access to individuals that might not have otherwise participated.

A semi-structured approach to interviews was taken, using a thematic interview schedule that was structured around four core themes: (1) governance processes and the role of government; (2) commercial sector engagement in health policy making; (3) policy divergence and post-devolution policy making; (4) political and social context. Interview schedules were adapted, depending on the interviewee and region (see Appendix II). For example, interviews with UK-based civil servants included questions related to partnership working within the Department of Health and regulatory approaches of the UK government to

unhealthy commodity industries (notably, tobacco and alcohol). In addition, interview schedules were adapted to reflect policy developments, such as the announcement of the Soft Drinks Industry Levy (SDIL) as part of the Spring Budget in March 2016. In response, I added some questions about the perceived impact of SDIL and whether this had influenced the dynamics of policy discussions. Thematic interview schedules were adapted in the days leading up to the interview, used with the intention of covering core issues in a systematic way and providing questions that could steer discussion back to relevant topics (Duke 2002).

Interviews took place between Spring and Autumn 2016, with most interviews in Scotland taking place between April and July, followed by interviews in England spread across three fieldwork trips between July and October. Interviews lasted between 20-120 minutes (although most were approximately 55-60 minutes). The majority of interviews were conducted face-to-face (68%) in a range of settings that varied from private offices and meeting rooms, and less frequently in cafés. The remainder of the interviews were via telephone or Skype (a video chat software) at the request of interviewees. While my aim was to conduct interviews face-to-face, this was not always possible for individuals who had busy schedules or expressed a preference for this type of interview (cf. Holt 2010). In almost all cases, this mode of interviewing was used for England-based individuals. As discussed above, this appeared to relate to the over-full diaries of individuals, but also the narrow window of opportunity for interviewing over the course of approximately 3 weeks spent in London conducting fieldwork. It is impossible to know whether this mode of interviewing affected the data in terms of substantive responses to interview questions. However, interviews conducted via telephone and Skype were qualitatively different from face-to-face interviews in some procedural respects. From a communicative perspective, a lack of non-verbal cues resulted in cross-talk, hesitations from both researcher and interviewee, and interruptions in dialogue. For instance, in the absence of visual communication, it proved challenging to differentiate between gaps in discussion during the interview, in which interviewees often paused to recall experiences or formulate a response, but also used a pause as a non-verbal marker to conclude a response to a question. In the early interviews, it became apparent that I was not creating space for

individuals to respond to interview questions. This was evident listening back to the audio files, which revealed a tendency to conflate the need for interviewees to pause, with a non-verbal cue to push ahead with the interview. While interviewees did not seem to find such interruptions problematic, I can't help but feel that this negatively impacted on the flow of the interview. With this in mind, I decided to allow 2-3 seconds to elapse during pauses, which I hoped would give interviewees the space to explore their observations and experiences. While this meant that there could be brief silences, I felt that this was important in indicating that interviewees could take time to reflect on each question. Yet, in my own experiences of interviewing, a lack of non-verbal communication also had methodological and procedural advantages. From a methodological perspective, I felt that the inability to use facial or hand gestures (at least in telephone interviewing) had the effect of improving my interviewing technique and the phrasing of interview questions. As Holt (2010) observed in her use of telephone interviews, the lack of face-to-face interaction means that *everything* needs to be articulated. This focus on precise research questions helped in subsequent face-to-face interviews, which I felt were improved by my experiences of telephone interviewing. From a procedural perspective, telephone interviews allowed me to use a laptop and an interview schedule without feeling that this inhibited the flow or mood of the interview. In contrast to face-to-face interviews, in which I tried to minimise my use of an interview schedule, telephone interviewing allowed me to jog my memory of policy documents and use Google keyword searches to follow-up on interviewee comments. Overall, while face-to-face interviews would have been preferable, the resource limitations (both financial and temporal) inherent to PhD research meant that this was not always a feasible option.

All interviewees were asked to sign a consent form (see Appendix III) that allowed the interview to be digitally recorded and transcribed. In face-to-face interviews, interviewees would often bring a pre-signed form, although I always made sure to bring a copy with me. The negotiation of consent in telephone and Skype interviews varied. In some cases, individuals opted to email a signed consent form prior to the interview, while others requested that a consent form be signed and emailed after the interview had taken place (the window varied between a couple of hours and a few weeks post-interview). Within the latter

group, verbal consent was obtained prior to any questions being asked and digitally recorded. All interviews were transcribed, 17 by myself and the rest by a specialist transcription firm, which was funded through an ESRC Research Support Training Grant. This transcription specialist was recommended by one of my supervisors (Smith), and had been used by other public health academics working with confidential documents. In order to feel able to guarantee anonymity, a confidentiality and non-disclosure form was provided by the firm prior to any files having been sent for transcription. This requested that all staff who had access to recording signed an in-house confidentiality agreement, and required that all audio and electronic files be deleted on completion of transcription.

The transcripts were then coded using the widely used qualitative data analysis software, NVivo 10 (QSR international). The coding framework was developed iteratively, based around the four core themes outlined above, in addition to creating a folder in the NVivo project that organised descriptive statements made by interviewees (i.e. verifiable facts). This involved moving between empirical data and theory, constructing codes using an abductive approach that focused on exploring actors' understanding of their involvement in this policy area. In other words, I wanted to explain governance in terms of the perspectives of policy actors that were involved in these processes. The coding framework helped to organise the interview data, which I structured around patterns in the interview data, focused on the discourses and narratives employed by interviewees to describe policy processes. At an early stage in the coding process, I decided to use NVivo in a basic way, and opted not to use advanced query functions based on my awareness that this risked introducing rigid deductive elements into the analysis. So, I used the software as a tool to manage and search the data through iteratively developed codes, rather than explore its comparative functions. While I sometimes felt that this approach under-utilised the functionality of NVivo, I feel confident that it allowed me to reflect on emergent themes and ensure a degree of openness that interpretive research demands. While it is important to acknowledge that the interview schedule was deductive to the extent that it was informed by prior theoretical frameworks and ideas, I worked on the phrasing of interview schedule to frame questions as contingent and open-ended. This approach was focused on

precise, open questions that created space for interviewees to explore embodied meanings and experiences (Wagenaar 2011). This often involved adapting earlier interview schedules to reframe questions to allow interviewees to respond in more detail and allow the interviewee to develop their thoughts. In trying to balance the inductive and deductive dimensions of this research, I adapted the interview schedule to avoid closed questions that could be interpreted by interviewees as asking them to confirm a pre-determined hypothesis.

3.3.2 The methodological literature on interviewing 'elites'

Having adopted an interpretive approach to policy analysis, the first sequences of the research process (Alvesson and Sköldberg 2000) were spent moving from 'puzzles' to research questions that could then be operationalized through fieldwork (Hendrik 2007). Having little experience of 'researching up' (Desmond 2004), I turned to the methodological literature on interviewing 'elites' in preparation for the next phase of my research. However, the research encounters described in this literature were quite different from my own experiences in conducting interviews. This sub-section provides an overview of this methodological literature, and argues for a more reflexive consideration of the temporal dimension of interviewing as a method of interpretive research.

The methodological literature on qualitative interviewing can be stylized as a dichotomy between research that focuses on the issues and challenges of researching vulnerable groups (Hugman, Pittaway, and Bartolomei 2011; Smith 2008; Wright, Klee, and Reid 1998), and at the other end of the continuum, a literature that explores challenges imagined to relate specifically to researching 'elites' (Mikecz 2012; Stephens 2007; Desmond 2004; Lilleker 2003; Bradshaw 2001; Ostrander 1993). This literature argues that 'elite' groups are more difficult to research than other groups, and is characterised by journal papers that present 'insider knowledge' about how to access 'elite' groups and interviewing strategies to minimise the exercise of power over the research encounter. The inherent challenges of researching up is at the core of much of this literature, such as the following extract from Desmond's (2004: 265) paper on the challenges of researching up:

> ‘Invariably, any attempt to map the researched-researcher relationship inevitably centres on the question of power and in particular its exploitative potential. This is because with elite interviewees the relationship is inevitably asymmetrical regardless of the research strategies deployed’.

As the quotation above illustrates, the methodological literature relies on a dualism in relation to power that relies on categorising interviewees as ‘elites’ and the researcher as ‘non-elite’. In other words, power relations in interviewing up are conceptualised in terms of structural notions of power, in which power is embodied in the ‘elite’ and exercised in and through the interview space. This conceptualisation of power is visible in the methodological literature, in which it is assumed that an ‘elite’ individual can be demarcated from ‘non-elites’ through their professional positions (Smith 2006). It is unsurprising that multiple contributions to the literature on ‘elite’ interviewing focus on research strategies that can be utilised to mitigate power asymmetries. In her paper on interviewing individuals from privileged backgrounds involved in philanthropic organisations, Ostrander (1993) describes the micro-politics of the interview space and how this related to the power of ‘elites’ to shape interaction:

> ‘In my experience, nonverbal strategies work best. I found it important for the interviewer to establish some visible control of the situation at the very beginning, even if the elite is momentarily set off balance’.
>
> ‘[…] My friend suggested that I begin by arriving early and be sitting at his [the interviewee] table when came in. That would give me some time to get accustomed to the space and claim some of it as my own before he arrived. It worked like a charm. He appeared briefly taken aback and began by deferring to me and my research interests’.

In both extracts, an emphasis is placed on attempting to reconfigure power relations through strategies that disrupted ‘elite’ individuals from exercising power. This approach is highly visible within the methodological literature, structured around guidelines for interviewing ‘elites’ that range from vague statements about the need to build trust and rapport (Lilleker 2003; Richards 1996; Zuckerman 1972) to the notion that ‘elite’ individuals have pre-determined preferences for the length of interview and mode of questioning (Harvey 2011; Aberbach and Rockman 2002).

However, this structural conceptualisation of power relations has been problematised in other parts of the methodological literature, especially within the sub-field of feminist and human geography. From this perspective, power is conceptualised as complex and unstable, which is translated between social and political contexts in uncertain and fluid ways (Allen 2003). This poststructural lens conceptualises interviewing as a research encounter in which both the researcher and interviewee are multiply positioned, depending on the mode of interaction and topic(s) of discussion (Valentine 2002; McDowell 1998). In contrast to structural perspectives, this lens creates space to conceptualise power as ambiguous and multi-directional. This argument is persuasively made by one of my supervisors, Smith (2006: 645):

> 'The idea that 'elites' can be neatly defined and treated as consistently powerful is a view which relies on the rather simplistic idea that there is a dichotomy between 'powerful elites' and 'powerless' others […] Such an outlook ignores the preposition that power exists in a variety of modalities, that these modalities of power can be negotiated and are neither constant nor inscribed and, consequently, that 'elites' may change over time (even during the course of one research project)'.

Smith's problematisation of power relations within the interview space as uncertain and variable, which reflects on the problematic idea of 'elite' individuals. This reflexive account argues that the extent to which interviewees are able to exercise power associated with their position should not be overstated, and that power within a profession is not necessarily automatically transposed to the interview space (Smith 2006). This poststructural lens allow for the possibility that an 'elite' individual can become, or experience feeling, vulnerable during the interviewing process. For example, Neal and McLaughlin (2009) offer a reflexive account of the experience of researching the work of a Commission on ethnicity and citizenship in the UK context, in which negative media coverage proved traumatic for many of the individuals involved in the production of the report. This paper describes how the authors felt uncertain how to respond to the emotional intensity of experiences recalled by interviewees, in which individuals that might be defined as 'elite' in terms of professional occupation were made vulnerable through retelling stories and memories of the media reception of the Commission's report. While I did not perceive that interviews conducted in this research were as destabilising for

interviewees, I found that poststructural conceptions of power more closely reflects my own experience of interviewing policy-based individuals.

This is not to minimise experiences in which I felt vulnerable in my role as a PhD researcher. Reflecting my status as a white Scottish male, I rarely felt disempowered researching this policy area. For instance, I was not made to feel self-conscious entering government buildings or the offices of non-state actors (even if I was feeling nervous). Having acknowledged this positionality, I should also make clear that the interviewing process was punctuated with interactions in which I felt interviewees exercised power in the research encounter. This is illustrated in the following extract, in which I felt the interviewee was quite obstructive when I asked if there were any other individuals who they felt it might be useful to interview:

> Interviewer: 'Would it be possible to recommend some people to speak to in the department […]'
> Civil servant: 'Well, I mean, you can have a go at it. I mean, he's [a colleague within the department] just taken over at [policy unit] so I don't know what questions you would have for him […] I think I'm the person to speak to on all this stuff. I just don't know what your questions are. I don't know anyone who would be able to give you that perspective [on obesity policy]. I mean, if you have specific questions, but I don't know what questions you would have apart from that.
> Interviewer: 'I guess it's just to get a cross-section of…'
> Civil servant: [interrupting] I don't know anyone else. I mean you could talk to [a non-departmental public body]. You could try and talk to somebody there, but it might be better if you write to them and just send them questions'.

This was a discouraging experience, especially as it occurred at an early stage in the interviewing process. Although it is difficult to convey the mood of the interview (particularly as it was conducted via telephone), this marked a terse conclusion to an interview that I had hoped would help me gain access to potential interviewees within the department. Moreover, as by far the shortest interview (lasting 20 minutes), I felt there was very limited time to ask questions, despite the implication that I had exhausted areas of interest. While I was subsequently able to access and interview other individuals, this seemed to be quite a clear example of an individual exercising power available to them in their professional capacity, and as a sought-after interviewee. In a separate interview, a senior representative from a large trade association attempted to

demonstrate their authority by having me conduct the interview from a coffee table, while the individual sat at their desk. In addition, the interviewee announced that they had to attend a lunch meeting, at which point I was told that the interview could continue if was willing to walk for 5 minutes through central London to the restaurant. This felt like a rather absurd scenario, in which I felt the interviewee was attempting to underline that their time was significantly more valuable than mine. While this appears to support methodological literature that perpetuates the idea of the self-important 'elite', this was an unusual instance within the 50 interviews. More commonly, as the following sub-section describes, the interviewing process was marked by complex and uncertain power relations.

3.3.3 A reflexive account of interviewing

This sub-section reflects on my experiences of the interviewing process, focusing on gaining access, and power relations in the interview space. Using a poststructural lens, I suggest that the discursive micro-politics of interviews provide a useful lens to examine how power is exercised in the interview space. This draws on experiences of conducting interviews with civil servants with a role in policy making, considering the ways in which temporality was employed by several participants in responding to interview questions that had the potential to render them vulnerable or destabilised.

A key focus of the methodological literature is the assumption that 'elite' individuals are particularly difficult to access. Several authors have suggested that 'elites' are relatively under-researched due to the challenges of researching up (Mikecz 2012; Harvey 2011; Laurila 1997). For example, Hunter (1995) argues that the structural power of the 'elite' individual is embodied in an ability to protect themselves from criticism and unwanted requests. Having read much of this methodological literature in the first stage of my PhD research, I was prepared for negotiating access to be an extremely difficult process. However, this guidance was substantively different from my own experiences, in which gaining access to potential interviewees did not constitute the unique challenge that the methodological literature suggests. Indeed, having read multiple papers that emphasised the difficulty of gaining access (Mikecz 2012; Shenton and

Hayter 2004), I found it relatively straightforward to identify and access potential interviewees through websites and policy documents. Moreover, having approached the preliminary phase of the interviewing process with a sense of trepidation, I was frequently surprised at the willingness of individuals to participate in this research project. In contrast to the expectation that access would be obstructed by gatekeepers (Laurila 1997), my own experience was that individuals responded directly to emails even if this was to (in a small number of cases) to decline the request for an interview. Overall, this experience of researching suggests that gaining access to policy-based individuals may not be the problematic dimension of interviewing implied in the methodological literature (Mikecz 2012; Harvey 2011; Ostrander 1995), at least in the contemporary UK. While it is important to recognise that negotiating access depends on political and social contexts in which research takes place, the idea that access to professional individuals represented a unique methodological difficulty was a minimal feature of my experience of undertaking interviews. Indeed, it may be the case that the literature exaggerates the problems around access (Duke 2002). This appears to be, at least partially, due to the implicit assumption that the 'elite' is a taken for granted category of individual who share characteristics (identifiable by researchers) that demarcate them from 'non-elite' groups (Smith 2006).

This final sub-section draws on the poststructural conceptualisation of power discussed above, to think about power relations using a discourse-analytical framework that illustrates time discourses as a toolkit used by interviewees in the research encounter. It is useful to distinguish this from *temporal* aspects of the interviewing process, in which timing had implications for negotiating access to potential interviewees. It is worth exploring these temporal factors, before moving on to explore the idea of discursive power. The timing of the interviewing process had some important implications in terms of the response rate from civil servants and the actual interviews themselves. In Scotland, gaining access and undertaking interviews was structured around the Scottish Parliament election that took place in May 2016. In part, this was coincidental and reflected the timing of the PhD itself. However, this sequencing was also a purposeful strategy to gain access to potential civil servant interviewees during the six-week election period (colloquially referred to as 'purdah'). The rationale that

underpinned this decision was the expectation that the work schedules of potential interviewees would be less full, as the political convention of 'purdah' precludes ministers and civil servants from taking decisions or making public announcements which may be significant or politically contentious. While it is impossible to know how many individuals would not have declined to be interviewed in 'normal policy-making', it is clear from my experiences of interviewing Scottish civil servants that the purdah period allowed them to engage with academic research in ways that may not have been feasible otherwise. For example, almost all interviewees were extremely flexible in relation to the timing of interviews (including multiple provisional dates and time slots), with interviews frequently lasting between 70 – 90 minutes. While it is likely that the 'open and consultative' style of policy-making in Scotland helps explain the high response rate (and was often referred to during interviews), interviewees implied that purdah allowed them to extend interviews to allow for further questions and discussion. While there was not such a purposeful strategy for interviewing individuals involved in policy debates at the UK level, the timing of this fieldwork overlapped with the House of Commons summer recess (24th July – 4th September 2016). While it is not clear how this affected the response rate, the recess did appear to free up diary space for individuals, with interviews (both face-to-face and telephone) clustering around this period.

While I successfully gained access to civil servants working within UK and Scottish governments, I felt that many of the interviews with the civil servant interviewees were characterised by the exercise of discursive power within the interview space. Utilising a discourse-analytical framework, I argue that power can be exercised through discourses that use time to frame conversations within the research encounter. This focuses on interviews conducted with civil servants across both administrations. Drawing on my own experiences of the interviewing process, time was discursively constructed in terms of horizons, conceptualised in terms past, present, and future. Time horizons were employed by interviewees to make sense of the research encounter in terms of their current roles and responsibilities. This often involved responding to interview questions in a way that shifted the focus away from past decision-making to future policies. For example:

> Interviewer: 'What would you see as the key mechanisms of partnership working?'
> Civil servant: 'I think we need to design [partnership working] for the childhood obesity plan. I think what we've done is we have set out the stall of what we think needs to happen to tackle childhood obesity. I think what we will be doing in the coming weeks is working with partners and having conversations with them about what part they are going to play, and what will be the right ways of working in partnership with them'.
>
> Interviewer: '[…] UK governments emphasise the importance of working in partnership and I'm keen to get a sense of the ways in which you feel this rhetorical commitment influenced policy making?'
> Civil servant: 'Well don't forget that that [the Responsibility Deal] was under the last [coalition] government. I mean, the voluntary partnership has not been closed down yet. I mean, how we go forward working with industry is part of our childhood obesity strategy. That will be announced this summer'.

The quotations above capture the subtlety of this framing, in which these civil servants discussed interview questions in terms of *future* decision-making. While I sequenced the interview schedule to focus on expository discussion of the Responsibility Deal before moving on to more open-ended questions about partnership working, this ambiguity was useful for interviewees in reframing the conversation away from past governance arrangements to aspirations for the future. The consequence of such discourses is that it allowed interviewees to talk about partnership as an abstract concept, which precluded the concrete 'thick' descriptions I had hoped these questions would generate. Indeed, re-reading the interview transcripts I am aware of the subtle influence of this reframing on follow-up questions, which tended to reproduce this substantive focus on upcoming policy strategies. Although much of what was said in these discussions about future policies was interesting and relevant to my research, it left me with limited time to bring the interview back to my questions. On reflection, I feel that I could have identified conversation going off on tangents, and tried to steer it back to my research interest in descriptions of actual policy practices. In part, this reflects a fear that I might jeopardise access to other civil servants by gaining a reputation as confrontational. This was an anxiety that I would think about *en route* to the interview, particularly as interviewees had told me via email correspondence that they had already spoken to colleagues that I had interviewed. However, I feel that this framing was illustrate of a broader 'mood' of interviews (Neal & McLaughlin 2009), in which civil servants appeared uncertain or reticent to talk about the past policy decisions. As Chapter 1

outlined, the PIRU evaluation found little evidence to support claims that the operationalization of the Responsibility Deal would offer 'more progress, more quickly, and with less cost than legislation' (DH 2011: 2). Indeed, on more than one occasion, the partnership was referred to as having become a toxic policy, with various interviewees stating that this remained a *very* sensitive area for the DH. All this suggests that time horizons were used by some civil servants to create a distance between themselves and this policy failure. Time discourses were also visible in interviews with Scottish civil servants, in which interviewees constructed a boundary between the *past* and present as a means of framing the temporal dynamics of policy making. For example:

> Interviewer: 'The first question I had was really where the idea to commission the British Standards Institute to develop a voluntary standard on marketing came from?'
> Civil servant: '[…] I think looking back at it, I think we were probably a bit naïve ourselves. You've got to bear in mind that we were [pause] I mean, this is *history* really. Rather than of particular relevance to current public health policy, which is why going back on it now is a bit odd. It's more of a *history lesson*' […]
> Interviewer: 'Just to pick up on something you mentioned, you described the decision-making process as quite a technical process. Could you expand on the dynamics of this process?
> Civil servant: '[…] you have got to bear in mind that this [a voluntary standard] was occurring at the same time as the Responsibility Deal that the UK government later abolished. That proved to be not worth the paper it was written on […] and that's why we've ended up in the position we're currently at with a [policy] document out for consultation that's actually looking at legislation'.
>
> [my emphasis]

Like the above civil servant, most of the interviewees based in Scotland talked about partnership using time horizons that constructed a boundary between past governance and current policy strategies. In the above extract, the publication of a consultation document (entitled *A Healthier Future: Action and Ambitions on Diet, Activity and Healthy Weight*) is framed as helping to shift the policy agenda from past failures at the UK level. In other words, time discourses were used to create a distance between the past and present. Overall, the discursive construction of time horizons highlights the complex dimensions of power relations in research encounters. On the one hand, subtle framing processes shaped the topics and focus of interviews with civil servants, in which

interviewees appeared to rely on frames that allowed them to interpret questions in ways aligned with the existing direction of policy. Drawing on my own experience of interviewing, the use of time as a framing device existed at multiple points on a continuum between intentional and tacit action (Hajer and Laws 2006). For example, re-reading transcripts of interviews with civil servants working in the UK government, it seems clear that participants reframed the discussion away from politically sensitive topics. Indeed, it is evident looking back over written reflections and my embodied recollections of particular interviews that I felt I had received a 'public relations' account of policy making (Duke 2002). On the other hand, a poststructural conceptualisation of power challenges the notion that framing processes reflect the asymmetrical exercise of power by 'elite' interviewees. In contrast, the construction of distance reveals the inherent uncertainty of the research encounter (Bondi 2003), in which the topic of discussion had the potential to shift the power dynamic. This was the case for many of the interviews with civil servants working in the UK government, particularly around questions focused on the Responsibility Deal. As the above extracts illustrate, interviewees constructed temporal boundaries around what they were prepared to talk about, which implies that they felt uncomfortable discussing a policy that was highly sensitive. All this supports the interpretation of the research encounter as a discursive space in which the professional identities of interviewees can be become destabilised and uncertain. From this perspective, interviewees seemed to use temporal framing devices to position themselves in ways that avoided having to confront policy failures that could expose them both personally and professionally. As Smith (2006) argues, poststructural conceptions of power problematise the idea that power is embodied in individuals, and make space to consider the possibility that interviewees may feel vulnerable or exposed in the interview space.

As I have outlined in this section, a discourse-analytical framework provides a lens to conceptualise power relations as ambiguous and uncertain. From a poststructural perspective, it is important not to overstate the power that is available to 'elite' interviewees in the interview space (Smith 2006). This is not to suggest that research participants do not exercise significant power, but that shifting power dynamics can manifest in 'elite' individuals becoming destabilised. Drawing on my own experiences, this section argues that

discursive power is fluid and multi-directional, and can be exercised and experienced in multiple ways. It demonstrates how the use of time boundaries can be employed by interviewees to reshape the focus of interview questions and/or demarcate some topics as not-for-discussion. In other words, interviewees can use references to time boundaries to exercise power within the interview space.

3.3.4 Interviewing policy actors from the commercial sector

This final section reflects on interviews with representatives of trade associations, which extends the analysis on the discursive micro-politics of the interview space in examining how industry representatives employed frames (or narratives) to manage the interview space. The section first gives a brief account of how power was discursively exercised through talking in the 'generalized present' (Weiss 1995), which allowed interviewees to distance themselves from questions that aimed to elicit concrete descriptions of the role of industry actors in political decision-making. The section will then move on to consider the utility of interviews with commercial sector actors, contrasting the empirical focus of this research with the use of interview data in the wider literature focusing on how unhealthy commodity industries engage in policy debates.

Overall, interviews with trade association representatives was a remarkably similar experience to those conducted with civil servants. Although the response rate was low relative to other types of policy actor this can be attributed to a combination of (i) individuals moving to equivalent positions in a different sector (e.g. banking); and (ii) backstage coordination between invited participants to designate a spokesperson for the organisation. As the following email correspondence illustrates, individuals who declined to be interviewed suggested that I speak to one of their colleagues:

> Trade association representative: 'My colleague [X] passed the below email to me. I'm happy to sit down for an hour at some point in early September if that would suit?

This email highlights the enthusiasm of individuals for the views of their organisation to be captured in the research. Hence, while I found gaining access was relatively straightforward, interviews were limited to individuals who performed a 'gate-keeping' role for their organisation as a public relations and/or policy affairs spokesperson. Reflecting this, it became clear that there was a well-rehearsed 'official line' that interviewees communicated about the legitimacy and appropriateness of food industry engagement in policy debates. Moreover, this narrative was framed in ways that avoided concrete descriptions and provided broad generalized accounts that Weiss (1995) refers to as the 'generalized present'. As Wagenaar observes, generalized talk create a problem for policy analysis as it 'masquerades as a series of descriptive, technical statements', which 'leaves us without sufficient detail to understand policy process and its effects' (2011: 254). This framing was evident in several interviews and nicely captured in the following quotation:

> Interviewer: '[…] I was looking through the notes from a Health Select Committee report and noticed it mentioned that [interviewee's trade association] were consulted on reports of [advisory committee]. I'm interested in how that works – do the [advisory committee] forward a draft or is it more collaborative?
>
> Trade association representative: '[..] we are on government's radar as a stakeholder organisation for food and drink. So, whenever they are making policy in that area, typically they would ask us to be involved as I say in a [pause] a kind of outer ring. So not necessarily developing the policy […] we're not involved in the decisions but the process is that they would reach out to a broader group of stakeholders and say: 'this is the direction of travel'

The above quotation reveals the way in which the interviewee reframed the question in the generalized present, masquerading as a concrete description of their organisation's engagement in a specific policy consultation. In this case, the interviewee downplays the political agency of their organisation in decision-making, while reinforcing a claim about the food industry as a legitimate policy actor. This suggests that the generalized present was employed by interviewees as a discursive means to minimise the political strategies of food industry actors and avoid revealing details about specific incidents. Moreover, it is clear that this kind of narrative reproduced policy frames that had already been communicated in media coverage of political debates. For example, a

statement released by this trade association in response to the Health Committee report was also explicit in downplaying the political influence of the food industry.

This raises questions about the value-added of interview data with trade association representations for examining the 'black box' of decision-making in partnerships, given that interviewees appeared to have a predetermined official line that aligned with policy positions stated in press releases, corporate social responsibility (CSR) reports, and policy briefings (Hawkins and Cassidy 2017). Although I found that civil servants similarly communicated an 'official line' about particular issues, these interviews also provided important insights into institutional and organisational processes. In contrast, the interview data provided by trade association representatives was more tightly bound to an 'official line' that would often be repeated in response to different questions (Lancaster 2017). This is not to discount the relevance of interviews with individuals working for unhealthy commodity industries. Indeed, a study of debates about minimum unit pricing (MUP) used semi-structured interviews and publicly available documents to explore divergences in policy positions between different sectors of the alcohol industry (Holden *et al* 2013). More recently, a study of policy framing in media coverage of the Responsibility Deal (Douglas *et al* 2018) revealed the narratives used by public relations spokespersons to depict the food and alcohol industry as legitimate policy actors. As outlined above, I found the interview data was less relevant for research into decision-making processes that were invisible to the media and wider public (a point explored in more detail in Chapter 5). Although it is hardly unexpected that interviewees representing industry interests sought to manage the interview space, this reflexive account helps to explain how power was exerted within the research encounter and the limited use of the interview data provided by trade association representatives.

3.4 Documents

The final section of this methods chapter focuses on how interpretive research was practiced through analysing documents in relation to their content and context. This describes how I conceptualise documents as both vehicles of

discourses, and as artefacts (Freeman 2006) which function as the nexus of governing practices (Freeman & Maybin 2011). In interpretive terms, this approach focused on what documents mean, and how meanings are embedded in artefacts and practices. This is divided into five sub-sections. The first sub-section describes the process of document selection and outlines the rationale for including (and excluding) documents. The second section introduces framing theory and its use in interpretive policy analysis. The third and fourth sections then outline the notion of frames as story lines and practices, demonstrating how this conception of framing was used to explore the construction and operationalization of partnership. Having outlined this approach to frame analysis, I provide a reflexive account of how document and interview data were integrated in this research.

3.4.1 Which documents?

Having generated an empirical research question to explore how partnership has been constructed and operationalised in UK and Scottish administrations, the second phase of my research began with identifying policy statements that appeared of direct relevance to this question. The preliminary criteria had two dimensions for inclusion. First, documents should have a substantive focus on partnership as a mode of governance and/or have a specific policy focus on obesity (and diet-related ill health). Second, the time period should allow for partnerships operationalized under the Coalition government to be located in historical and political context (Prior 2008). For the purposes of this research, policy statements produced by previous Labour administrations[4] were included, based on the rationale that public-private partnerships were central to Labour's program to modernize governance (Newman 2001).

The first stage was to map the policy landscape between 1997 – 2015. This was a recursive process, bouncing backwards and forwards between time periods and across regions. The aim of this mapping exercise was to locate documents in a way that retained an openness and interpretive flexibility that avoided

[4] Labour retained power as a majority government in the UK between 1997 – 2010, and formed two consecutive coalition governments in Scotland with the Liberal Democrats between 1999 – 2007.

excluding policy documents that might have been potentially useful to my research. Yanow's (2006: 12) description of interpretive research as analogous to piecing together a thousand-piece jigsaw puzzle, captures my own experiences of mapping documents to analyse. The first step in this process was to search for policy statements related to partnerships between governments and food industry actors in obesity policy between 2010 – 2015. At the UK level, keyword searches of government websites were used to locate policy statements with a specific focus on the Responsibility Deal. In Scotland, searches of the government website located documents relevant to the Supporting Healthy Choices framework. This was straightforward, as partnership documents reflected an active policy approach for UK and Scottish governments. In addition, keyword Google searches [using search terms in various combinations] were used to identify media reporting on partnerships. While media attention was very limited (a point discussed in Chapter 5), various articles by Felicity Lawrence (*The Guardian's* special correspondent on the politics of food) highlighted a public health commission, created by the Conservative party while in opposition to assess policy proposals for a Responsibility Deal. This helped to inform searches of the UK Web Archive (an archive maintained by the British Library which gives permanent access to websites no longer available on the live web) for documents relating to this commission. The second step was to expand this focus through searches for documents produced by UK and Scottish administrations between 2010 – 2015, and diachronic (over time) searches for policy statements produced by Labour administrations between 1997 – 2010. This focused on keyword Google searches for policy statements, intertextual references made in documents, and my background knowledge of UK health policy (Ulijaszek and McLennan 2016; Baggott 2013; Smith 2013b; Jebb, Aveyard, and Hawkes 2013; Smith et al. 2009). Perhaps unsurprisingly, the flexibility of the inclusion criteria produced a large number of policy documents relevant to partnership and/or obesity policy. This included: White Papers, Green Papers, select committee reports, working papers, and annual reports from NDPBs (e.g. the National Audit Office). Appendix IV provides illustrative examples of these types of documents. In order to keep track of these documents, I maintained an archive that provided a brief outline of each document (and hyperlinks for archived sources), publication year, and organisational affiliation (e.g. the Department of Health). Indeed, it

was the time intensive process of working through this information that I realised I had to produce a list of documents that would be feasible to analyse within the time and resource constraints of a PhD research project. With this in mind, I made the decision to include policy statements which had a substantive focus on the role of government and non-state actors in partnership. These reconfigured boundaries for inclusion produced a list of 25 documents to analyse. This was broadly demarcated into two types of document: (i) White Papers and Green Papers produced by administrations between 1997 – 2015 that focused on obesity and/or food policy; (ii) drafts, consultative documents, and working papers which related to the formulation and implementation of partnerships in relation to obesity and/or food policy. The documents that I decided not to include were used as background texts (Shaw 2010) that helped to situate partnership within a historical and political context.

The second stage in this process was to generate documents that related to partnership working. This involved searching for documents through which governance processes are organised and reproduced: agendas, meeting minutes, memos, and reports. I began this process by searching for texts using Google keyword searches. This process was made easier by the fact that partnerships in both UK and Scottish contexts were active strands of policy and had 'live' government webpages during the data generation phase of the research[5]. For example, papers from plenary group and steering group meetings were published on the Responsibility Deal webpage, including agendas and memos for all meetings held between March 2011 – November 2014. Although the Scottish government website did not have a dedicated webpage, meeting documents were uploaded to the Health and Social Care page. These documents helped to inform subsequent Freedom of Information (FOI) requests, which I discuss in more detail later in this section. Having outlined the rationale for including certain documents, the following sub-section introduces the concept of framing and how this was used to explore narratives and stories in policy statements.

[5] The Public Health Responsibility Deal webpage was archived on 1st February 2018 [http://webarchive.nationalarchives.gov.uk/20180201175643/https://responsibilitydeal.dh.gov.uk/]

3.4.2 Framing theory

The concept of frames (and framing theory) has an established intellectual tradition in policy studies, notably the symbolic interactionist ideas of Goffman (1974) and the behavioural psychology of Tversky and Kahneman (1981). The use of frame analysis in policy studies is associated with the Schön and Rein's (1996;1977) analysis of policy controversies (Laws and Rein 2003). Building on Rein's (1983) earlier conceptualisation of frames, this later work with Schön is widely cited in interpretive research (Hulst and Yanow 2014; Schmidt 2011; Béland 2009). Indeed, framing has become a key concept and methodological approach of interpretive policy analysis (Wagenaar 2011).

The concept of framing, as developed by Schön and Rein (1994) adopts a constructivist ontology in viewing the social world as indeterminate and contested, in which reality is constructed in and through framing. This ontology approximates a critical realist perspective, in interpreting reality as essentially under-determined by 'brute' facts about the material world (Searle 1995). Framing theory therefore starts from the assumption that policy processes are inherently ambiguous and lack agreed-upon definitions or understandings of a given issue. Rein and Schön (1994) observe that it is this indeterminacy that leads to intractable policy controversies, in which there is the potential for a multiplicity of frames to shape policy debates. Hajer (2006) refers to this as the phenomenon of *multi-signification*. This term describes how actors make sense of policy events by drawing implicitly or explicitly on 'systems of signification' (for example, frames, narratives, discourses). The actors involved in controversies 'contend with one another over the definition of a problematic policy situation […]' (Rein & Schön 1994: 29). Rein and Schön (1994: 23) argue that frames help to order the social world as 'underlying structures of belief, perception, and appreciation'. In Goffman's (1974: 8) description, framing happens when individuals interact with situations and face the question: 'What is going on here?'. Frames, in other words, guide the ways in which actors construct the realities of the social world.

As Hajer and Laws (2006) argue, the frame concept has an intuitive appeal. In their words, it 'captures something about the dynamics of policy making that

makes sense to practitioners and to those who analyse policy practice'. The usefulness of this concept is reflected in the use of framing as an ordering device for researchers working in a wide range of academic fields, notably social movement studies (Benford and Snow 2000; Gamson and Modigliani 1989) and public health (Larsen 2010; Dorfman, Wallack, and Woodruff 2005; Lawrence 2004). While frames are used in a variety of ways, a key assumption is that framing helps to structure reality and functions to stabilise meaning in complex or uncertain situations (Rein 2011). For instance, Schön and Rein (1996) use the everyday language of a picture frame as a metaphor to define a frame, observing that the frame focuses our attention to the content inside it. In more abstract terms, 'whatever is said of a thing, denies something else of it' (Rein & Schön 1977: 239). This notion is also shared by Snow and Benford (Snow and Benford 1992), who define a frame as 'an interpretive schemata that signifies and condenses the "world out there". Taking this definition of frames as the starting point, my approach understood frames more specifically as story lines, and ordering devices that form the basis of discussion *and* practice (Laws and Rein 2003). The following sub-sections clarify each term and describe how this underpinned the analysis of policy documents.

3.4.3 Frames as *policy stories*

First, framing is used in this research to refer to policy stories that narrate a problem-centred discourse (Laws & Rein 2003). In this account, frames are normative-prescriptive stories that make sense of what *has* been going on, what *is* going on, and what need to be done (Hulst & Yanow 2014). That is, policy stories are temporal, taking us from one place to another (Feldman et al. 2004). A good example is Stone's notion of causal stories:

> 'Definitions of policy problems usually have a narrative structure; that is, they are stories with a beginning, middle and an end, involving some change or transformation […] the story line in policy writing is often hidden, but one should not be thwarted by the surface details from searching for the underlying story. Often what appears as conflict over details is really disagreement about the fundamental story'
>
> (1997: 138).

Story lines therefore 'do particular kinds of work' (Forester 1993) as a way of ordering and constructing shared meaning. The 'future-directedness' (van Hulst 2012) of policy stories incorporates a certain kind of work that glues together a problematic situation, attributes responsibility, and advocates for particular solutions (Czarniawska 1997). As Weick (1995) observes, stories do not need to be accurate, but simply plausible. As he puts it, what is important is that story lines have a coherence that 'holds disparate elements together long enough to energize and guide action' (Weick 1995: 61). This might involve the use of myths or metaphors that tie discursive elements together and provide a persuasive depiction of reality (van Hulst 2012). Returning to the work of Rein and Schön, story lines are important because they give coherence to policy issues (1996), and mediate between *what is*, but also *what ought to be* (1977). The notion that partnerships could be interpreted in terms of stories was an inductive element of the research that emerged in the process of conducting frame analysis of policy statements. It is worth reflecting on this process in more detail, before we move on to discuss the second approach to framing.

From the outset of the analysis phase of the research, I had intended to adopt a flexible approach to framing that would be able to capture and map the different ways in which partnership was framed. This approach to analysing documents adopted the 'naming and framing' approach to analysis set out by Rein and Schön (1977), which I was confident would help to identify the ways in which partnership was framed in policy statements. As Rein and Schön argue:

> '[…] the process of *framing* is complementary to a process of *naming*. We cannot frame a field of experience without also generating a context for the naming of elements within the frame. And just as frames give us a way of seeing some things and of not seeing other things, so names call our attention to certain features of elements. Whatever is said of a thing denies something else of it'
>
> [1977: 239]

In relation to this research, I combined this *naming* approach with the recent contribution to frame analysis by van Hulst and Yanow (2014), who talk about *selecting* and *categorizing* as complementary to Rein and Schön's framework:

framing processes select some things as relevant, backgrounding or ignoring others, and it categorizes (itself a form of naming) events and objects as *this* thing but not *that* thing (van Hulst and Yanow 2014: 8). For example, the term 'Public Health Responsibility Deal' *selects* particular aspects of governance as relevant (the notion of corporate social responsibility), it *categorizes* (a mutual agreement and not a contractual arrangement), and it *names* the partnership in ways that lay the conceptual groundwork for future courses of action (that makes it clear that this policy is collaborative and not hierarchical).

Policy statements were coded using NVivo 10 (QSR International). The approach taken to frame analysis was to create four overarching categories that would be used to guide analysis: *selecting, categorizing*, *naming*, and *story lines*. This approach to interpretive policy analysis aimed to generate 'thick' descriptions that would help me to trace the framing of obesity and the ways in which partnership was talked about in policy statements. This involved analysing each document using this multifaceted approach, a process that required multiple readings to focus on each framing device. This was an iterative process, in which material was organised in codes that formed sub-sets of these framing processes. For example, a *categorizing* node[6] was created, under which I created sub-nodes that coded material relevant to this framing (e.g. references in policy statements to 'multi-stakeholder' approaches). During the early stages of frame analysis, I created multiple codes that I felt were relevant to understanding the discursive construction of partnership approaches. These initial codes were subsequently adapted in response to discursive patterns that emerged from coding multiple documents. In my own experience, frame analysis was a continual process of adaptation, in which preliminary codes were added, removed, and merged depending on themes and patterns that I felt emerged from the empirical data.

Even with the use of data analysis software, this process of frame analysis was a laborious process that generated a huge volume of data that I was unable to discuss within the constraints of the thesis (e.g. policy statements produced by

[6] Nodes are central to coding using NVivo software. In this research, I refer to the QSR definition of nodes as a tool to gather material in one place to enable identification of emerging themes and ideas.

the Coalition government that discussed the use of insights from behavioural economics as a policy solution). However, I felt that this immersion was crucial in unpacking how policy statements constructed obesity as a policy problem. As Hendriks (2007) reflects in a methodological paper that shares her experiences of PhD research, engaging deeply in interpretive data has the downside of what she refers to as 'over-immersion syndrome'. This description precisely captures my own experience, in which I recall believing that I had generated *too much* data and began to feel that I was drowning in material (Hendriks 2007: 287). On reflection, this painstaking immersion was indispensable in connecting emerging themes in the empirical data to the meso-level theories that I began to explore in parallel to this coding phase of the research.

As highlighted above, this research draws on policy stories as the framing device that I felt offered clarity and accurately reflected the empirical data. While it is difficult to precisely identify when the analysis moved to focus on policy stories, this shift occurred during the writing up phase of the research. It was at this stage that I felt better placed to distinguish a *meta-narrative* (Roe 1994) across policy statements, which highlighted discourses and assumptions used to legitimate partnership with food industry actors as a dominant governance tool (this argument is developed in Chapter 4).

3.4.4 Frames as *practices*

The second approach to interpreting documents was to view framing as a distinctive feature of *practice*. The significance of this approach is that discourses do not simply 'float' in documents, but are related to particular practices (Hajer 1995). The practice-oriented perspective of frames was a feature of Schön and Rein's (1994) later work (cf. Wagenaar 2011), which developed a conception of frames as organising frameworks (or road maps). As Schön and Rein state:

> 'Each story constructs its view of social reality through a complementary process of naming and framing […] They select for attention a few salient features and relations from what otherwise would be an overwhelmingly complex reality. They give these elements a coherent organization, and they describe what is wrong with the present situation in such a way as to set the direction for its future transformation. Through

> the processes of naming and framing, the stories make a "normative leap" from data to recommendations, from fact to values, from "is" to "ought"'.
>
> [1994: 26]

As the above extract illustrates, frames are described as stories that reduce complexity and provide a guide for doing and acting (cf. Laws & Rein 2003; Schön & Rein 1996). In other words, frames mediate the relationship between thought and practice in policy making (Laws & Rein 2003). My approach to analysing frames as practices draws on the discourse-analytical framework developed by Hajer and Wagenaar (2003). This approach refers to discourse as:

> 'an ensemble of ideas, concepts, and categorizations through which meaning is allocated to social and physical phenomena, and which is produced and reproduced in an identifiable set of practices'.
>
> [Hajer 2005: 448]

From this perspective, discourse and practice 'co-construct' policy through institutional practices (Hajer 2003). In relation to my own interpretive approach, this conception of discursive practice (discussed in more detail in Chapter 4) was useful in structuring the frame analysis of policy documents. In particular, I expected that the framing of partnership in policy statements might plausibly be reproduced in the documents that are produced and used as part of policy making. More specifically, I was interested in exploring whether narratives that were revealed in frame analysis of policy statements appeared to have become sedimented in institutionalised rules and organizational practices (Hajer 2009). In order to explore discursive practices, I used frame analysis of documents to explore how narratives visible in policy statements were reproduced in the practices of partnership working. This used documents produced through stakeholder meetings to trace how discourses related to practice (Hajer 1995). The rationale for using documents relates to the notion that the materiality of the document is central to governance processes. This shifts attention from substantive content of policy statements to the 'work that the document does' in structuring governing practices. As Freeman states:

> ‘Documents are important for the vocabularies and ways of thinking they generate, reproduce, translate, and set in motion. But they are also material objects or tools, part of the essential technology of politics and government’.
>
> [2006: 52]

In this way, documents are material traces (and triggers) of governance processes (Czarniawska 2010). Take the coordinative work of an agenda: it organizes the meeting, framing the issues that are to be commented on, revised, and drafted. In this way, documents are the nexus of governing practices, produced in, by and for groups. Documents are the material corollary of the meeting, and the artefact through which frames are reproduced. As Freeman and Maybin observe:

> ‘Documents tell stories […] This is not because they carry words that comprise a narrative, but because they embody the political processes by which they are produced’.
>
> [2011: 164]

I felt that this focus on the ‘social life’ (Brown and Duguid 1996) of partnership documents would help to explore how this mode of governance had been operationalized, which could then be compared with narratives revealed through frame analysis. In particular, I was interested in tracing the influence of food industry actors in shaping discursive practices. In other words, I felt that the sequence of documents and how they are produced would reveal much about the extent to which decisional processes reflected the result of collaboration between government actors and the commercial sector.

This process involved using FOI requests as a means of generating data on decision-making in informal spaces of governance that I felt would be able to contextualise documents produced through stakeholder meetings. This approach aimed to build on a paper by Panjwani and Caraher (2014) focused on the Food Network of the Responsibility Deal that used FOI requests to examine the revision of voluntary industry commitments. Drawing on this analysis, FOI requests were used to further unpack the decision-making process. This was a time-consuming process in which requests were bounced back and forth with civil servants working in government freedom of information

teams. While requests submitted to the Scottish government generated a significant volume of documents, FOI submissions made to the UK Department of Health was a frustrating process. Although I was able obtain documents through persistence, FOI teams would take 20 working days (the time limit for compliance) in responding to requests, even if this was to refuse requests where it estimated that compliance would exceed the appropriate limit (£600 for central government). This exemption was applied to the first wave of FOI requests (8 in total) which aggregated under Section 12(4) of the FOI Act for the purposes of calculating costs. These submissions had a broad scope, requesting information on interactions between Department of Health policy makers and multiple food industry actors (for example, Mars and Tesco) in addition to documents relating to *all* meetings that had taken place between May 2010 – February 2011. Reflecting back on this process, I had naïvely assumed that this blanket approach to requesting information would help to access 'known unknown' documents (Pawson, Wong, and Owen 2011). Yet, this process was made more difficult by the interpretive flexibility that officials appeared to have in estimating the cost of complying with requests, with varying estimates of how long it would take to review files (between 3 – 4 minutes). Yet the estimated time to review files seemed to be calculated with the appropriate limit in mind, in the absence of an explicit rationale for why particular groups of files would take longer to review. For example:

> 'A search of our records for [X] has returned over 800 files between 11 May 2010 and 14 March 2011 […] We estimate that it would take 3 minutes to review each file for any information relevant to your request. Therefore, to check our records would exceed the cost limit'.
>
> 'A search for our records has returned over 500 files between 1 January and 1 July 2010 […] We estimate that it would take 4 minutes to review each file for any information relevant to your request. Therefore, to check our records would exceed the cost limit.'

As part of its analysis of FOI trends, the Institute for Government (an independent think tank established to improve government effectiveness) found that the use of cost limits to refuse requests had significantly increased since 2010 (Institute for Government 2018). Moreover, Institute for Government analysis highlights that the percentage of requests withheld by government departments has increased by over a third since 2010. This observed that the

way central government departments (including the Department of Health) respond to FOI requests has noticeably shifted, with more than 60% of requests granted in full in 2011, to fewer than 40% in 2017. While it is almost impossible to infer whether the handling of my requests was motivated by instrumental interests to withhold information, it became increasingly clear that a different approach to FOI was required. Following informal discussions with academic peers and interviewees that had faced similar challenges in gaining access to documents, I decided to focus on tracing interaction between Department of Health policy makers and the food and beverage manufacturing trade association (the Food and Drink Federation). The rationale for this approach was that I would be able to request information over an extended period, but avoid cost limits that been applied to earlier requests. This approach proved to be much more effective in generating documents, particularly as I had adapted my request template (see Appendix I) to precisely state the policy unit (within the Department of Health) that I was requesting information from, within a clearly demarcated time period (between 3 – 5 months).

The methodological approach to analysing frames as practice required interpreting documents in a different way from narrative analysis of story lines. In taking practice as the analytical framework, I was interested in exploring the relationship between the discursive construction of partnership and the actual practices that characterised this mode of governance in the UK and Scottish context. In other words, this approach to frame analysis centred on examining discursive practices and how this related to claims made in policy statements. In order to capture this, a separate NVivo project was created that focused on key aspects of practice that inductively emerged from the empirical material. This project included nodes that organised coding according to decision-making procedures and accountability processes (and sub-nodes to capture what I felt were important aspects of institutional design and operational routines). In addition, frame analysis focused on normative-prescriptive stories that were visible in partnership documents and the kinds of work (Forester 1993) that policy stories achieved for food industry actors. In terms of organisation, documents were collated in folders corresponding to plenary and steering group meetings with a separate folder created for documents generated from FOI requests. Documents were analysed iteratively, and in temporal sequence. In

the UK context, it involved moving back and forth between email correspondence generated from FOI requests, and documents produced through meetings. This process was similar in Scotland, but instead focused on documents generated through FOI related to the development of a Publicly Available Specification (PAS) on responsible marketing of food and drink. This approach to frame analysis focused on tracing decision-making in the informal spaces of governance (Ayres 2017), tracking subtle revisions to documents. While this process-oriented approach has an obvious correlate with the methodological literature on 'process tracing' (Trampusch and Palier 2016), I have avoided using this term to describe my approach on the basis that this literature is often associated with drawing causal inferences and hypothesis testing (Mahoney 2010; Collier 2011) that I felt might pull in a different direction from my research aims. This is not to argue that process tracing is incompatible with interpretive policy analysis (and concepts used in this literature do inform the thesis), but reflects an attempt to avoid confusion about the methodological approach. Overall, this approach to frame analysis explored the ways in which discourses appeared to have undergone a *process* of institutionalisation (Smith 2013b) and become embedded in the operational rules and norms of partnership working.

3.5 Integrating methodological approaches

The final section of this chapter briefly explains how interviewing and document analysis were integrated during fieldwork and writing up phases of the research. First, policy statements were employed during fieldwork as a point of reference for interviewees in responding to interview questions. Indeed, I would often ask interviewees which policy documents they felt had informed the policy approaches of UK and Scottish governments, and why they perceived certain policy statements to have been influential. This often involved printing physical copies of policy statements to bring to interviews that I hoped would function as a point of reference for conversation (Maybin 2016). This technique helped to focus interview questions around a material artefact that the interviewee could read over, and was often crucial in helping to jog the memory of interviewees (however, this did not seem to impact the use of time boundaries by interviewees, as discussed in sub-section 3.3.3). Second, the interview data

provided by interviewees was triangulated (Flick 2014) with the accounts of other interviewees and documents related to partnership working, in order to validate statements about particular meetings or decision-making processes. Yet, it is important to emphasize that triangulation was used to establish empirical facts that exist independent of interviewee perceptions and beliefs (Kelly and McGoey 2018). Reflecting the interpretive approach to studying partnerships, this research explores how policy actors construct narratives about the political world and rejects the idea that there is a 'real world' independent of the experiences and perceptions that construct it (Yanow and Schwartz-Shea 2014).

I began this research project with the intention of completing frame analysis of policy statements *and* meeting and FOI documents before starting the interviewing process. However, this sequenced approach was adapted to maximise the window of opportunity provided by the purdah period in the run-up to the Scottish parliamentary election. In retrospect, I feel that this had both positive and negative consequences for the research project. On the one hand, responses to interview questions helped me to identify which documents were interpreted as important by those involved. For example, interviewees repeatedly mentioned the PAS as a feature of post-devolution obesity policy making, which motivated FOI requests submitted to the Scottish government to generate documents on this process. Yet, it is not at all clear that I would have made this interpretive link from frame analysis of policy statements and draft papers, in which this policy is only briefly mentioned. This is illustrative of how interviewing changed the way I looked at policy developments, and explore research themes that were less visible in documents. On the other hand, I feel that a more in-depth understanding of policy statements and partnership documents would have helped in probing interviewees through follow-up questions, but also to more effectively manage situations where interviewees (and particularly civil servants) responded with semi-official discourses or went off on tangents. In retrospect, there were instances where I felt that an immersion in policy developments would have been useful in adapting questions within the interview space as an interviewing technique to deal with the subtle discursive power often exercised by interviewees. Returning to PAS example, having completed analysis of documents generated from FOI prior to

an interview with a Scottish policy maker, I felt able to minimise my use of an interview schedule and formulate questions during the interview that were grounded in concrete events. While it is difficult to predict if and how the interviewing process might have been different, I feel that a more in-depth knowledge of documents would probably have been helpful in interviewing.

Second, I have used the term of 'writing up phase' as a shorthand to simplify what was a messy process of interpretive analysis that meant drawing on theoretical, empirical and methodological insights (Law 2004) that did not always cohere. As reflexive methodological texts on doing interpretive policy analysis outline (Boswell & Corbett 2015; Hendriks 2007), this can be a painful exercise, in which the researcher needs to disconnect from preliminary ideas or mini-theories to produce interpretive policy research. This captures my own experience of this phase of the research. For me, the writing process was an endless source of frustration and confusion, but also an exciting and reflexive phase of the research in which my initial understandings were transformed (and discarded) as ideas were reinterpreted in response to data generated from interviews and frame analysis. For example, the first draft chapter on accountability (Chapter 5) was intended to focus on corporate political strategies, but shifted to examine how institutional design was used to limit government responsibility for accountability mechanisms and depoliticise this process. Yet, it was only through searching back through interview data that I was able to reinterpret working papers and meeting notes through the lens of depoliticization. This is illustrative of my experiences of doing interpretive research, in which understanding governance was a messy process of working back and forth between data generated through people and artefacts.

Chapter 4. Operationalizing partnership: the interplay of ideas, interests, and institutions

4.1 Introduction

The thesis is structured into four empirical chapters. Chapters 4 – 6 focus on the UK context, while Chapter 7 explores policy developments in Scotland. The structure of empirical findings chapters reflects the interpretive approach used in this research project, in which I felt that the themes emerging from data analysis could be communicated more effectively through a more fluid chapter structure than a cross-case comparative study would allow. Consequently, the finding chapters are structured thematically around core dimensions of governance. This follows a broadly temporal narrative that traces: the operationalization of partnership ideas (Chapter 4); accountability mechanisms (Chapter 5); informal governance (Chapter 6); and the institutionalisation of partnership at the devolved level.

In this chapter, I argue that the structure of policy ideas underpin the institutional design and discursive practice of partnership in the UK context. This argument makes two claims: (1) partnership ideas are malleable in ways that allow actors to interpret and transform its meaning; (2) this malleability has been used to frame partnership as a tool to displace responsibility from government. In order to make this argument, the chapter is organized into three sections. The first section explores the institutionalisation of partnership as the preferred mode of governance under Labour governments in power between 1997 – 2010. It describes how this idea was operationalized, identifying a rhetoric-reality gap between partnership discourses and practice using a case study of salt reduction strategies developed under the Food Standards Agency (FSA). The second section then describes the transformation of this policy idea by the Conservative party. It traces the construction of the Responsibility Deal in key policy statements produced during the Conservatives' period in opposition (focusing specifically on the period between 2008 – 2010). The third section concentrates on the operationalization of partnership under the Coalition government. It focuses on the transfer of policy functions from the FSA to the DH following the 2010 general election, assessing the discourses used by the

Coalition government to frame this reform as necessary to operationalize *genuine* partnership between government and the food industry. Overall, this chapter examines the operationalization of partnership, understood as an interplay of ideas, interests, and institutions.

4.2 New Labour, 1997 – 2010

The period spanning 1997 – 2010 was one of electoral dominance for New Labour, and in relation to food policy was characterised by institutional innovation and ideational creativity coupled with the implementation of partnership approaches. In its first term, New Labour delegated policy responsibilities for important aspects of food policy to a UK-wide regulatory body in the form of the Food Standards Agency (FSA), constitutive of its 'third way' policy agenda (Flinders 2004; Barling and Lang 2003). This was followed by rhetorical commitments to fostering 'partnership' between governmental agencies and non-state actors, with particular emphasis on engaging the food industry. From 2003, the Food Standards Agency led an industry-wide salt reduction initiative, receiving backing by the Department of Health and ministerial support. Five years later, commitments made in the *Healthy Weight Healthy Lives* White Paper (Department of Health, 2008) to promote responsible food industry practices were translated into the *Healthy Food Code of Good Practice* partnership. This section starts by assessing the creation of the Food Standards Agency and the 'third way' of partnership as a response to the perennial dilemmas faced by governments in increasing accountability, effectiveness, and transparency (Hood, 2007; Flinders, 2004).

4.2.1 New forms of governance: the Food Standards Agency

Following their landslide victory in the 1997 general election, the incoming Labour government was keen to emphasise their commitment to addressing the perceived governance failures of the previous Conservative government. The timing of the BSE crisis, which had rapidly unfolded over the previous year, provided an opportunity for Labour to institutionalise a 'new governance' (Newman, 2001). Writing in the immediate aftermath of the crisis, Jasanoff noted the *civic dislocation* between what institutions were supposed to do and

what they actually did (Jasanoff 1997). Tasked with balancing the interests of consumers and industry. the Ministry of Agriculture, Fisheries, and Food (MAFF) sought to downplay public health concerns that might risk the economic interests of the agricultural sector and food industry (Zwanenburg and Millstone 2005), and failed to provide credible reassurance to citizens (Jasanoff, 1997). The growing public distrust of government institutions in the wake of this institutional breakdown created a *window of opportunity* (Kingdon 1984) for the Labour Party to articulate a 'new' form of delegated governance (Flinders, Dommett, and Tonkiss 2014; Thatcher and Sweet 2002).

As the leader of the Labour Party, Tony Blair commissioned Professor Philip James, Director of the Rowett Institute, to write a report containing recommendations for a new food standards body. Received by Blair in May 1997, the James report recommended that rebuilding public trust mandates that a new agency should be placed at arms-length from politicians and protected from vested industry interests. After a landslide victory in the 1997 general election, the Labour government embarked on its manifesto commitment to establish an 'independent food standards agency' (The Labour party 1996), publishing a White Paper *The Food Standards Agency: A Force for Change*. In its summary of proposals, the White Paper supported key recommendations of the James report (Hajer 2009). These proposals consolidated the principle of 'putting the consumer first' and recommended that the proposed agency should possess executive powers and be directly accountable to Parliament (MAFF 1998).

Formed on 1 April 2000, the Food Standards Agency was established as a Non-ministerial department (NMD) and given the main statutory objective of protecting the interests of consumers, in addition to an advisory role to government (Food Standards Act, 1999). This function was further elaborated in a *Statement of General Objectives and Practices* (FSA, 2000) setting out six key priorities, which included improving dietary health, promoting informative labelling, and promoting best practice with the food industry. This statement also set out working practices that promoted, amongst other things, being 'open and consultative' (Food Standards Agency 2000). Importantly for the argument presented in this chapter, these guidelines conferred a formal role to the Food

Standards Agency of 'putting the consumer first' and 'being an independent voice' (FSA, 2000). As might be expected, this principle was expressed by interviewees with experience of working with, or within, the Food Standards Agency. This was summarised very clearly by the following interviewee:

> Senior civil servant: 'In terms of the trigger events, I think it was clearly the BSE crisis and a perceived need for there to be an independent consumer facing body responsible for managing food safety issue, as opposed to having the Ministry of Agriculture, which, rightly or wrongly, was perceived to have a conflict of interests of the red meat industry and promoting consumer safety.'

Importantly, this interviewee suggested that the guiding principles of the Food Standards Agency were indelibly linked to the BSE crisis, which was perceived as demanding an alternative organizational form to ministerial departments headed by politicians (Flinders et al., 2014). As alluded to in the extract above, this required insulating policy making from the type of short term political pressures that had led to the perception that economic interests had been prioritized over public safety. Although this interviewee was careful to differentiate between real and *perceived* conflicts of interest, it is nevertheless argued that a transfer of functions to an arms-length body constituted a necessary institutional response to the BSE crisis. This finding is important for two reasons. First, it clearly demonstrates a conceptualization of 'good governance' as requiring that certain areas of policy be insulated from short term electoral pressures (Durose et al., 2015: 140). Second, the extract underlines the distinctive response by a Labour government intent on appearing progressive and transparent in its policy making (Dommett et al, 2015), which imbued the Food Standards Agency with an authority and legitimacy to make decisions that were perceived as 'putting the consumer first'.

4.2.3 New ideas: The 'third way' of partnership

In addressing this perceived failure of ministers to safeguard the public interest in the case of BSE (Jasanoff, 1997) by delegating functions to an arms-length public body (Durose et al., 2015), the Food Standards Agency was emblematic of a wider 'modernising' agenda initiated by New Labour that set out a 'pragmatic' approach to policy making (Cabinet Office 1999). This agenda

framed previous administrations as doggedly ideological, differentiating New Labour's approach to policy making as implementing 'what works' (Cabinet Office, 1999: 17). This was expressed as an 'evidence-based' approach to policy making (Blunkett, 2000), with government working across public, private and voluntary sectors to deliver more efficient public services (Cabinet Office, 1999). This proclaimed pragmatism was underpinned by pervading discourses of a 'third way' between 'old' models of social democracy and the conservative right (Finlayson 1999). The 'third way' constituted a distinctive set of ideas that informed New Labour's public philosophy and approach to welfare and the provision of public services (Bevir and O'Brien 2001). Writing in 1998, the Prime Minister Tony Blair discussed the 'third way' as a label that captured a 'new politics' that moved *beyond* the 'old left' and 'new right' (Romano 2006). In this attempt to update social democracy, Blair was heavily influenced by the ideas of the sociologist Anthony Giddens, particularly his book *The Third Way* (Giddens 1998) that recommended a renewal of the state-society relationship aimed at empowering individuals, civil society, and the private sector to serve the public interest.

This idea of a 'third way' underpinned an emerging consensus around the value of partnership as a mode of governance that could bridge the public/private divide (Flinders, 2004), presented as moving beyond the two extremes of state-centric managerialism and market adversarialism (Ansell and Gash 2008). This rationale is clearly articulated in the *Modernising Government* White Paper (Cabinet Office, 1999: 9), which noted that the 'distinctions between services delivered by the public and private sector are breaking down in many areas, opening the way to new ideas, partnership*s* and opportunities for devising and delivering what the public wants'. It is important to emphasize that the involvement of non-state actors in governing food policy was hardly novel, with trade bodies having successfully lobbied for self-regulatory standards of food production as far back as the 1930s (Phillips and Smith 2013). Yet, in *naming* interactive processes between public agencies and non-state actors using the language of partnership, this helped to embed the narrative of a distinctive 'third way' through partnership. As Colebatch (2009) notes, 'the activity of governing is suffused by accounts of governing'. In this context, what was *new* about partnership was not that it described a radical break with the past, but that it

helped to brand collaborative approaches as constitutive of 'good governance' (Torfing et al. 2012). Indeed, the framing of partnership as an accepted standard of good governance has mirrored the rapid proliferation of public-private partnerships in global health (Buse & Harmer, 2007).

It is important at this stage to emphasize that partnership could take various forms, not all of which institutionalised collective decision-making processes. For example, the continuation of Private Finance Initiatives (PFI) under New Labour involved the delegation of implementation and service delivery to private sector organisations (Pollitt and Bouckaert 2004; Pollitt 2003; Hood 1991). This type of partnership could be represented as a contractual agreement between government and business, in which deliberative interactions are limited. This can be contrasted with the type of partnership ideas articulated in health focused White Papers published by New Labour between 1997 – 2008, which framed partnership in food policy in overtly participatory terms. For example:

> 'Partnership is a key element of the Government's approach to a wide range of issues […] Partnership is at the heart of our new approach to public health.'
>
> 'Governments can set the preconditions for success in improving health. But Governments alone cannot determine success. To do that, Government needs to work in partnership with others.'
>
> *Saving Lives: Our Healthier Nation*
> (Secretary of State for Health 1999)
>
> 'Where the Government is able to work closely with industry, there are clear advantages to a voluntary approach […]'
>
> *Healthy Weight, Healthy Lives*
> (Department of Health, 2008)

In the above extracts, there is a clear assumption that government is unable to govern effectively through traditional forms of regulation. The solution to the apparent ungovernability of health policy, is framed as partnership working. More specifically, policy statements frame partnership working with the food industry as a legitimate approach to obesity policy. This identified a coordinative

role of government in health policy, working with stakeholders in policy formulation and implementation. Table 4.1 (below) provides further illustrative extracts of this framing, which emphasised the role of the food industry as key stakeholders in obesity policy. Overall, policy statements produced by Labour governments emphasised voluntary industry commitments as an effective policy solution to obesity.

Table 4.1 Assumptions about the shared responsibility for addressing population health between government and non-state actors

White Paper	Year	Extract
Choosing Health	2004	'Recognising that the public sector can never provide all the answers, we have been encouraged by industry's commitment to working with us to improve the nutritional quality of food.' [2004: 31]
Healthy Weight, Healthy Lives	2008	'To support stakeholders in business and the third sector in engaging with each other on how they can meet the challenge of tackling excess weight in the population, the Government will seek to work with stakeholders on how to strengthen existing arrangements. Our aim is to build a Coalition for Better Health [sic], which would reach agreements on joint programmes […] and challenge each other to go further.' [2008: 29]

Source: (Secretary of State for Health 2004; DH 2008)

It is important to highlight that the concept of a third way constructed partnership as breaking with state-centric interventionism *and* neoliberal ideas of individualism (Schmidt and Thatcher 2013). This framing is clear in the foreword to the Labour government's first public health White Paper, *Saving Lives* (Secretary of State for Health 1999), which states:

> '[…] There is a vital role for government […]. Not as the so-called nanny state in action […] It sets out a new, modern approach to public health – an approach which refuses to accept that there is no role to do anything other than individual improvement, or that only government can do something. An approach which no government in Britain has adopted before'.

This employed the myth that a 'nanny state' approach had been demonstrated to have failed, which helped to construct a narrative of the third way as moving beyond statism and market individualism. This narrative was reproduced in subsequent health policy statements, such as the 2004 public health White Paper *Choosing Health*:

> 'In recent decades, the debate about the respective roles of Government, individuals, communities, industry and others in improving health has too often become bogged down in a ritual battle between two ends of a political spectrum. On one hand, a paternalistic state is encouraged more and more to limit individual choice […] On the other, the Government is asked to stand back, leaving people's health to whatever the hidden hand of the market and freedom of choice produces.'
>
> (Secretary of State for Health 2004)

All this suggests that third way agenda was strategically used to distinguish the Labour government from neoliberal strains of individualism through constructing a more proactive role for government in encouraging personal responsibility. This relates to a broader *meta narrative* under successive Labour governments of promoting responsibility through state intervention, for example in its active labour market policy (Carstensen 2011). As Bevir (Bevir 2005) argues, New Labour accepted the idea of individualisation, but recombined this with an emphasis on the role of the state in creating opportunities for work and training. Moreover, this political agenda required insulating individuals from the worst excesses of the market. Importantly, this critique of the New Right reconceptualised business as capable of acting as socially responsible corporate citizens that could be trusted by government to act as suitable partners in health policy

Corporate Social Responsibility (CSR) was initially bound up in the neo-liberal policy agenda of Thatcher in the 1980s, intended to legitimate market deregulation (Kinderman 2012), it was adapted by Labour governments to promote the notion of 'stakeholder capitalism'. The concept of stakeholding – a theory of the company that interprets them as organizations with attendant social responsibilities – became an influential idea articulated by key advisers to the Labour Party, such as Hutton (1995). As Prabhakar (2004) notes in his

analysis, while the notion of stakeholding was initially endorsed by senior Labour figures, including Blair, explicit references to stakeholding were replaced with 'third way' language in response to the unexpectedly hostile media and political reaction it received prior to the 1997 UK general election. However, while references to stakeholding as a programmatic set of ideas are absent in policy documents produced by Labour governments from Blair onwards, the core tenet of the stakeholding approach – that the function of a company should go beyond maximization of shareholder value – underpins the framing of CSR. This was codified under Article 172 of the UK Companies Act 2006, which required that company directors promote shareholder interests with 'regard to the impact of the company's operations on the community and the environment' (Companies Act 2006). As Brammer and colleagues (Brammer, Jackson, and Matten 2012) note, the inclusion of this legal norm permitted consideration to be afforded to *stake*holders, giving discretionary scope for companies to implement CSR initiatives where this supports shareholder value. This legal standard of conduct was supported through discourses evident in White Papers (and subsequent action plans), which emphasised normative values (based on the assumption that food companies have internalised ethical values) and pragmatic economic interests (bad corporate behaviour will have reputational consequences for food companies). The extracts in Table 4.2 provide examples of this kind of rationale.

4.2.4 Mandating corporate responsibility: The Food Standard Agency's salt reduction program

While third way discourses emphasized a common set of ethical values that were assumed to constitute the interests of food companies, the Labour government's policy agenda suggests that engagement with industry was based on external standards mandated by the FSA. In contrast to frames in policy statements, this highlights a tacit acceptance (within the FSA at least) that 'pure' industry self-regulation (Gunningham and Rees 1997) would not be a particularly effective regulatory framework in motivating industry to reduce the salt content of processed foods.

Table 4.2 Framing by Labour governments of the food industry as socially responsible corporate actors

Context	Year	Illustrative extracts
Choosing Health	2004	'The public expects big organisations to be socially responsible corporate citizens, an expectation that industry is increasingly realizing. Many corporate organisations acknowledge that what they do for the community impacts on their reputation and that meeting these expectations can make good business sense.' [Secretary of State for Health 2003: 30]
Choosing a Better Diet: a food and health action plan strategy paper	2005	'The food industry has a corporate social responsibility to promote healthier eating. The Government acknowledges that industry recognises its corporate social responsibility and has shown it wants to play its part, working with the Government to help tackle obesity.' [Secretary of State for Health 2005: 17]
Healthy Weight, Healthy Lives	2008	'Halting the obesity epidemic is about individual behaviour and responsibility […] It is also about the responsibility of the private and voluntary sectors too – a food industry, for example, that takes its responsibility to supply food that promote health seriously.' [Secretary of State for Health 2008: iv]

Source: (Secretary of State for Health 2004; DH 2005; 2008)

Before moving on to consider this salt reduction program, it is worth delineating the scope of the FSA in relation to obesity policy. In terms of its remit, the *Food Standards Agency: A force for change* (MAFF 1998: 5.7) White Paper stated that public health functions related to diet would remain with the Department of Health, while the FSA would be tasked with protecting consumer interests. This was framed in the White Paper as wide-ranging, with executive powers over legislation and policy making relating to: compositional standards of food; labelling (including nutrition labelling); and a responsibility to provide information about the nutritional quality of food. While public health functions would remain with the DH, the transfer of policy functions meant that nutrition policy would be

a shared responsibility with the FSA. This blurred boundary between policy functions is illustrated in the following quotation:

> Senior civil servant: 'I think that the uncertainty was that [nutrition] was a shared responsibility between the DH and the Food Standards Agency, as I understood it. But essentially the DH was not interested in public health because they were so focused on the NHS. Nothing much was being done in the DH. So, [the FSA] essentially took on that responsibility, if you like, and that meant that we started working with the food industry to improve the dietary health of consumers by focusing on reformulation, initially with salt.'

This helps to explain why the FSA had the institutional flexibility to interpret its remit in terms of public health functions, in which the DH had little apparent interest in obesity policy that went beyond persuading individuals to make healthier lifestyle choices. As the interviewee describes, this created the political space for the FSA to develop a program of food reformulation that began with salt reduction.

The FSA salt reduction program followed the publication of the Scientific Advisory Committee on Nutrition (SACN) report on Salt and Health that recommended reductions in salt intake from the then current level of 9.5g to 6p per day (SACN 2003). In February 2005, the FSA and DH committed to reduce salt intakes in line with SACN recommendations, leading to the publication of a comprehensive set of time bound targets across a wide range of product categories that industry was expected to achieve through reformulation (FSA, 2009). The first set of targets were announced in March 2006, based on a combination of maximum and sales-weighted average targets (MacGregor and Hashem 2014) for key foods such as bread, breakfast cereals and ready meals. These targets were incrementally revised downwards in phases by the FSA, with participating industry actors expected to progressively reduce the salt content of processed foods over two-year target cycles. This mandated approach to regulation communicated performance standards that clearly defined how compliance with the salt reduction program was monitored. This mandated form of self-regulation was widely perceived by interviewees as helping to institutionalise accountability mechanisms based on substantive standards that had to be adopted by participating companies. For example:

> Public health advocate: 'You had a very active food standard agency who were very clear about what they wanted to achieve in terms of targets for reformulation and the development of the salt model and all the rest of it. National targets set by government [the FSA].'
>
> Academic researcher: 'What the Food Standards Agency did was sit in the middle as a broker. And I know someone who worked there who said that they knew they were on the right path when almost neither NGOs or the food industry were happy, but both were satisfied.'
>
> Public health advocate: 'What the Food Standards Agency appeared to do quite successfully was that, because they were close to the food industry, they had a good understanding of what the realities and challenges for the food industry were, but they retained the authority to work out what would be reasonable targets and timelines and then invite the industry to meet those targets against those timelines.'

The above extracts suggest that the formulating of salt reduction targets was a consultative process that took account of the views of industry actors. Yet, interviewees' consistent view was that the FSA had the authority and legitimacy to create a meta-regulatory framework that mandated substantive standards governing industry self-regulation. In other words, the FSA shaped the 'rules of the game' of self-regulation. This meta-regulatory function is nicely captured in the following quotation, in which the interviewee describes the use of performance standards in self-regulation:

> Academic researcher: '[…] I think you can have voluntary approaches which are more independent, which are rigorously monitored, rigorously implemented, can be rigorously evaluated, but which don't involve partnership. You can think of a voluntary approach where industry regulates itself […] or where government or some other independent body had the role of monitoring whether the voluntary mechanism was working or not […].'

In the above extract, the interviewee distinguishes between voluntary forms of self-regulation and mandated self-regulation, linking the former to partnership between government and industry (and explicitly to the RD later in the interview). In terms of the FSA salt reduction program, this distinction was captured in the following quotation:

> Senior academic: 'It's cited as an exemplar, but the language is misused. When you look around the world at voluntary agreements and salt reduction, they have failed […] so it is utterly misleading to say that it was voluntary […] there was a lot of arm twisting that went on.'

These extracts contrast with the notion that corporations would be *voluntarily* willing to implement such policies. Indeed, not a single interviewee suggested that the policy success of salt reduction was attributable to CSR or proactive standard setting on the part of industry. Instead, the widespread perception among interviewees was that this program depended on the meta-governance role of the FSA in standard setting.

Moreover, the FSA attempted to reproduce this regulatory framework to cover other nutrients, including saturated fat and sugar. This followed the publication of the public health White Paper, *Healthy Weight, Healthy Lives* (Secretary of State for Health 2008), which included the aim to 'be the first major nation to reverse the rising tide of obesity and overweight in the population' (Secretary of State for Health 2008: 10). As part of this commitment, a *Healthy Food Code* working group was established, described in a memorandum distributed to stakeholders as a partnership between the DH, FSA and food industry. This memo stated that the FSA would assume responsibility for reductions in saturated fat and sugar (in addition to its salt reduction program). The final recommendations of the FSA 'Saturated Fat and Energy Intake' were produced in March 2010. This reproduced the mandated standards used in salt reduction, extending targets to a wide range of product categories, such as chocolate, biscuits, cakes, and sugar-sweetened beverages (Food Standards Agency 2010). Yet, as the following section explores, the political context of obesity policy shifted abruptly following the formation of the Conservative-Liberal government in which public health functions were transferred away from the FSA

4.3 The Conservative Party, 2008 – 2010

Before examining the political landscape following the 2010 general election, it is important to trace how partnership ideas were reworked by the Conservatives during their time in opposition. More specifically, this policy work was undertaken between 2008 – 2010, during which the Conservatives commissioned various working groups to develop the idea of a Responsibility Deal. This section focuses on two key reports produced by the Conservatives that constituted the reworking of partnership. The analysis explores the

reworking of ideational elements of this policy idea, in which notions of stakeholding were substituted with an emphasis on the market as a driver of corporate citizenship.

4.3.1 The malleability of policy ideas: constructing the Responsibility Deal

The Responsibility Deal was constructed over a two-year period between 2008 – 2010, during which the Conservatives commissioned two working groups to develop policy ideas for a partnership between government and the food industry. This section analyses the reports of these working groups, tracing changes in the epistemic structure of partnership ideas. The key claim is that this process attached new elements of meaning to partnership, in which a logic of market accountability substituted for the third way notion of stakeholding. It argues that ideational process transformed the meaning of partnership.

This process began with the Conservatives commissioning the Ethical Corporation Institute – a management consultancy specializing in CSR with clients including Pepsico and Nestlé – to formulate a 'modern responsible business policy' (Conservative party 2008). The final report of the working group, *A light but effective touch* was produced in 2008, and set out the institutional design and ambitions of a Responsibility Deal between government and industry across environmental and health policy areas. Analogous to public health White Papers under previous Labour administrations, this report reproduced mythical discourses that traditional forms of regulation had failed to address obesity. Indeed, this myth was framed using an almost identical narrative to *Saving Lives* (Secretary of State for Health 1999) and *Choosing Health* (Secretary of State for Health 2004). For example:

> 'We have reached a situation where we expect government to do too much. The usual response to a newly identified societal problem or intractable old one is: "the government must act." In our view, this position is untenable for the simple reason that change cannot be brought about by government alone.'
>
> (Conservative Party 2008: 7)

As the above extract illustrates, this report reproduced the narrative that government is unable to govern effectively through state-centric regulation. This is clearly expressed in the following extract:

> 'We believe that an exclusively regulatory approach is based on a fundamentally flawed view of the world, and actually stifles more collaborative and more effective ways of addressing issues of concerns to society.'
>
> (Conservative Party 2008: 7)

However, this report was clearer about the role of government in partnership, framing its responsibilities in terms of a facilitative or coordinative function. The extracts in Table 4.3 illustrate this framing, in which state regulation is explicitly rejected as a legitimate policy solution to health issues, such as obesity and alcohol-related harm. In other words, government was to perform a metagovernance role (Sørensen & Torfing 2009), performing a hands-off role in network framing and design of collaborative institutions.

While this report employed narratives used by previous Labour administrations, it is also evident that the epistemic structure of partnership was transformed to emphasise market accountability. Indeed, the first section of this report underlines the 'value of the market' in addressing social and environmental issues. For example:

> 'We believe that the market, steered where necessary, is capable of generating environmental and social goods, and that the market is the most expedient vehicle for generating more responsible business practice.'
>
> '[…] criticism of particular companies on specific issues is sometimes taken to imply that somehow companies in general, with their profit motive, are "a bad thing" and that they are incapable of providing any social benefit beyond their economic success. We reject this. Any schema that sees companies as necessarily in conflict with society is wrong […] the problem is that markets must be better aligned with society's needs.'
>
> (Conservative Party 2008: 6)

Table 4.3 Illustrative extracts of the metagovernance role for government in the Responsibility Deal

'Despite a proliferation of regulations, initiatives, and other interventions by the current government, the negative effects of issues like obesity and drinking are increasing […] we advocate a shift in emphasis for government from seeking to 'do' things, to acting rather as a facilitator to stimulate and co-ordinate action […].' (2008: 7)
'The Working Group's central recommendations, which reflects our post-bureaucratic view of the world, is the development of what we call Responsibility Deals. Such deals represented a fundamental shift in the model of government in the UK, from the current top-down, bureaucratic approach, to one that stresses collaboration and collective action.' (2008: 8)
'We advocate that the role of government should be to develop its role as a catalyst to instigate intelligent debate about key issues of concern, and then act as a facilitator for solutions, bringing together all those different groups that can help bring about change.' (2008: 7)

Source: (Conservative party 2008)

As the above extracts illustrate, the logic of market accountability is emphasised repeatedly as the solution to producing public goods. This point is critical, as it provides a clear articulation of the market-driven logic that provided a rationale for the institutional design of accountability mechanisms within the Responsibility Deal Food Network (RDFN). More specifically, the above two extracts claim that market-driven forms of accountability can provide incentives for more responsible business practice, generating environmental and social goods. This explicitly claims that profit maximization can be reconciled with public policy aims, which implicitly relies on a reputation-based model of accountability. There is, however, a discursive ambiguity about how precisely profit maximization can be reconciled with public health. Indeed, the report frames corporate activities in ways that are in tension with one another, which appeals to the normative ideal that companies will 'do the right thing', but on the next page states that the 'primary motivating force behind a company's actions is, and can only be, enlightened self-interest' (2008: 7). This tension between

the fiduciary duties of companies to maximize profits and legitimate public health aims embodies the paradoxical nature of the RD (explored in greater detail over the following two chapters). While this is discussed in greater detail in Chapter 5, this form of accountability assumes that consumers will express a preference for socially responsible corporate practices, translating into accountability constituted through the market. Overall, the Ethical Corporation Institute produced a report that emphasised the public goods that can be achieved through markets, in which the government was to perform a metagovernance role in facilitating and steering the market to achieve its policy ambitions.

This discursive emphasis points to the transformation of partnership by the Conservatives, in which market accountability was substituted for notions of stakeholding that had been visible in White Papers produced by Labour governments. Bevir (1999) conceptualises the structure of ideas as 'webs of meaning' that may be transformed by adding new elements (cf. Carstensen 2011). In other words, partnership can be understood as a malleable entity (Smith 2013), allowing it to be discursively constructed as market-oriented, while retaining the 'common-sense' inference of partnership working as cooperative and equal (Skelcher 2005). Indeed, *A light but effective touch* (2008: 14) states that CSR has become an 'unattractive' term for companies. This suggests that the Conservatives were acutely aware of securing broad support among the food (and alcohol) industries for the Responsibility Deal, underlined by the Conservatives commissioning the industry-led Public Health Commission to road test its policy ideas.

4.3.2 Public Health Commission, 2009

The idea of partnership framed in the report of the Ethical Corporation Institute began to be operationalized by the Conservatives in the year leading up to the 2010 general election. The commissioning of the Public Health Commission (PHC) to explore the possible implementation of Responsibility Deals, institutionalised the idea that partnership should be a collaborative and consensus-oriented process in which industry actors *ought* to participate in decisional processes about the 'rules of the game' (Hajer & Wagenaar 2003).

This section provides a brief overview of the policy work of this working group, before moving on to assess the final PHC report. Its recommendations highlight a consensus that the FSA had overstepped its statutory remit in taking on public health functions, particularly in its support for 'traffic light' labelling (Lang 2006).

The PHC was established to respond to a policy paper on the RD, which reproduced the assumptions of the Ethical Corporation Institute report. This paper, imaginatively termed *Responsibility Deal 2*, framed the PHC as the working group that would contribute to the institutional design and scope of the RD. This paper reproduced assumptions that policy change could not be 'solved by regulation and legislation alone', stating that partnership working 'balances proportionate regulation with corporate responsibility'. This paper described three public health pillars of the RD, which collectively focused on 'incentivising' healthier lifestyle choices. The first pillar was to 'enable, encourage and incentivise consumers to adopt a healthier diet', which asked the food industry to negotiate further action on the reformulation of HFSS products.

The membership of the PHC included a wide range of food and alcohol industry actors, receiving input from transnational corporations such as Kraft, Kellogg's. McDonalds, and SABMiller in addition to trade bodies including the Scotch Whisky Association (SWA) and Food and Drink Federation (FDF) and biomedical researchers from academic institutions and policy leads from civil society organisations (such as Diabetes UK). The PHC held various meetings at Unilever House in central London (Lawrence 2010), which also provided the secretariat.

The recommendations of the final report reproduced discourses of personal responsibility and consumer choice, framing health in terms of the importance of 'balanced diets' and education campaigns about harmful drinking and physical activity (Public Health Commission 2009). More specifically, the recommendations of the report highlighted support for partnership working among food and alcohol industry actors. The interview data suggests that the positive outcome of policy discussions reflected the influence of industry actors in drafting the PHC report. For example, one interviewee described commercially sensitive policy recommendations as having 'magically

disappeared' from the final draft. The decision-making process was bluntly referred to having been 'captured' by industry interests. However, the language of regulatory capture (Miller and Harkins 2010) arguably understates the explicit aim of the Conservatives to incorporate commercial sector actors in decisional processes. This point was made by the following interviewee, who viewed the PHC as a forum to develop a consensus about the overarching objectives of partnership working:

> Public health advocate: 'Andrew Lansley [the Secretary of State for Health] commissioned this Public Health Commission, which I think was really his test bed for the Responsibility Deal [pause] and that didn't bode well. It gave a clear signal as to how things might be taken forward, both with the food and alcohol industries under the Coalition government'.

Like the above interviewee, many of the public health advocate and academic interviewees linked the PHC to a shift towards a less interventionist approach to obesity policy than had been the case under the FSA. This was particularly visible in the commitment made in the first Pillar of the *Responsibility Deal 2* to support Guideline Daily Amounts (GDA) labelling over colour-coded labelling. This diverged from the traffic-light labelling supported by the FSA. Research on this labelling system conducted by the FSA found that traffic lights - green, amber and red to indicate levels of fat, sugar and salt – were felt by consumers to be the simplest system to use (Lang 2006). Despite this, this paper stated that a future Conservative government would 'give backing for public awareness of GDAs and how they can be used to build a better diet'. This explicitly ruled out regulation as incompatible with the aim of partnership to promote healthier lifestyle choices through voluntary commitments, and 'not a narrow focus based on a fear of 'junk foods'. This commitment provides a clear example of the transformation of partnership to emphasise market-driven accountability. This commitment was met enthusiastically by the PHC, which criticised the 'disproportionate amount of attention' assigned to traffic light labelling in policy discussions. All this suggests that the FSA was viewed by both the Conservatives and food industry actors as having overstepped its policy remit. This is captured in the following quotation from a public health advocate interviewee that had worked in obesity policy for the past two decades:

> Public health advocate: 'If we're going back to the mid-2000s, the Food Standards Agency had the responsibility for public health nutrition as well as food safety and were much more, if you like, progressive, drawing together the evidence and making recommendations for action […] I think they did push, both on marketing and front of pack labelling. It marked their card and I have heard it said that that [labelling] was the issue. That was the straw that broke the camel's back. I think with the change of government, the Conservatives in particular were never happy with the remit for nutrition resting with the Food Standards Agency and were keen to have it taken back to the Department of Health.'

In the above extract, the interviewee captures the tension between the public health functions of the FSA, and the preference within the Conservatives for health policy to be reserved to the DH. For example, the Shadow Health Minister had previously remarked that the FSA had 'been trying to reinvent itself as a much more broad-ranging public health education creature' (Ungoed Thomas and Winnett 2005). For food industry actors, lobbying against the traffic light system had an obvious economic rationale, given that more profitable HFSS products (Stuckler et al., 2012) would be labelled with red lights. As the following civil servant who had worked in the FSA observed:

> Civil servant: 'They [industry] will in principle oppose anything that affects their bottom line. And that was most notable in the proposal for the 'traffic light' labelling system, where the Chief Executive of one of the major food companies – whose products largely consisted of sugar and fat – did say to me that if the traffic light idea was pursued, he would personally make it his mission to make sure my career was destroyed. So that was a kind of friendly intervention […] I think the industry objected when it affected their bottom line.'

Importantly, these discourses aligned with the commitment of David Cameron (then leader of the opposition) in his 2009 'Bonfire of the Quangos' speech that committed to reduce their 'number, size, scope and influence' (Cameron, 2009). In this way, refusing to back the traffic light system was underpinned by a wider reform agenda that aimed to address the 'quango problem' (Cameron, 2009). As the following interviewee reflected, this helped to legitimate transferring functions from the Food Standards Agency:

> 'They [the Conservative Party] were looking when they came in to streamline things - "we're going to trim some of these autonomous organisations, get them down to a scalable size" – So there'd been an *ideological coincidence* between their wish to cut back on things and the food industry simultaneously saying, "great, if there's something you

> need to cut back on, get those Food Standard Agency guys, they're a nuisance anyway'.
>
> [My emphasis]

Crucially, the traffic light system provided a rationale for the transfer of functions away from a non-ministerial department, given that a future Conservative government would find it difficult to implement the proposals of *Responsibility Deal 2* while public health remained a shared competence of the FSA and DH. In other words, FSA responsibility for labelling had to be brought under ministerial oversight. This issue also provided a *de facto* rationale for transferring functions, given that partnership had been discursively constructed in policy papers as a collaborative and consensus-oriented mode of governance. The regulation of labelling could then be framed as a barrier to the operationalization of the RD. Indeed, this was a central recommendation of the PHC report, which called for the institutionalisation of *genuine* partnership:

> 'There is growing concern that Government may be better at talking about partnership than it is about nurturing it and delivering through it. We require a shift towards co-invention of solutions between key stakeholders rather than merely consultation on programmes solely developed within Government.'
>
> (Public Health Commission 2009: 19)

This extract illustrates the notion that operationalizing partnership required shared decision-making and co-construction of policies between government and food industry actors. All this suggests that the transformation of policy ideas helped to reframe the public health functions of the FSA as an institutional barrier to the RD model. The following section examines how the construction of this barrier to partnership working was resolved by the Coalition government following the 2010 general election.

4.4 Machinery of Government changes

The formation of the Conservative-Liberal Coalition government in May provided the opportunity for the Conservatives to begin operationalizing the partnership idea it had reworked over the previous two years. This section traces how nutrition policy was framed as a policy function that *ought* to be the

responsibility of the core executive, and describes the use of Machinery of Government (MoG) changes (the restructuring of ministerial responsibilities and departmental functions) as a tool to achieve this institutional and policy change. Before moving on to assess this political process, it is worth noting that the obesity policy of the Coalition government was indistinguishable from the ideas discussed in the previous section. While it is conceivable that the Liberal Democrats approved the RD approach behind closed doors it appears that their policy influence was minimal, particularly as Andrew Lansley - the key architect of the RD – became the Secretary of State for Health in the Coalition government. Thus, the policy ideas of the Coalition government should be interpreted as synonymous with the partnership approach developed by the Conservatives in opposition.

The *Programme for Government* was published by the Coalition government on 12 May 2010, following the results of the general election a week earlier. This document reproduced the commitment to reduce the 'quango state' (HM Government 2010: 16). Moreover, this public bodies reform was given legislative approval in the *Public Bodies Act 2011*, enabling the implementation of proposed changes to public bodies (Flinders & Skelcher, 2012). As Flinders and colleagues (2014) argue, public bodies reform constituted not so much a 'bonfire of the quangos', as a process of bureau shuffling of functions between organizations. Crucially, reform of arms-length bodies was guided by the intention of increasing ministerial accountability. For example, the Cabinet Office *Public Bodies 2012* report argued that 'overall responsibility for public functions should rest with democratically-elected ministers (Cabinet Office, 2012: 7). In other words, the focus of public bodies reform was to re-establish ministerial departments as the core organizational unit (Flinders et al 2014). This rhetoric of returning policy functions to the assumed default of the government department (Elston, 2014) provided a narrative that could be used to justify the transfer of public health functions away from the FSA. For example, as Table 4.4 highlights, departmental press releases framed this reform as bringing policy making back into the DH. More specifically, the DH press release states that the transfer of nutrition policy from the FSA will improve policy coherence through the operationalization of more effective partnership working between government and stakeholders.

As the previous section has argued, this narrative of returning policy making to ministerial departments related to the idea that decision-making in partnership should be collaborative and consensus-oriented between government and industry actors. This is contrasted with the implicit claim that decisional processes within the FSA had not effectively coordinated the potential contribution of companies to health policy making.

The public bodies reform programme created a policy window (Kingdon, 1984) that could be exploited to implement Machinery of Government (MoG) changes prior to the announcement of a cross-government quango review. The departmental press releases in Table 4.4 highlight the timing of this decision between July – September 2010, which followed the Chancellor of the Exchequer's Queen's Speech economy debate on 8 June announcing the government's commitment to 'reduce administrative spending in central Whitehall and quangos by at least a third' (Chancellor of the Exchequer, 2010). This preceded the confirmation in October of the public bodies identified for abolition, merger, or reform (Chancellor of the Exchequer, 2010), which suggests an awareness within government that this legislation had created a window to implement institutional and policy changes that did not fall under the remit of the *Public Bodies Act 2011*.

This window was used by the Coalition government to implement MoG changes, which offered a mechanism to transfer policy functions without the need for primary legislation. The Cabinet Office (2010) *best practice handbook* states that the responsibility for the allocation of functions between ministers belongs to the prime minister, in which MoG is a tool that allows functions to be transferred in the absence of 'hard and fast rules' (2010: 3). Returning to Table 4.4, the Cabinet Office and Number 10 press release announced the use of this prime ministerial power to transfer nutrition policy to the DH.

Table 4.4 Departmental press releases justifying transfer of policy functions from the FSA to DH, July – September 2010

Department	Date	Press release
DEFRA	20th July	'Reorganising in this way will contribute to the Government's objectives to improve efficiency, and is paramount to the key priority of improving the health of the nation by creating a public health service. To achieve this coherence, some policy-based functions can be brought 'in-house' to give a more coordinated approach on health and food issues. Secretary of State for Health, Andrew Lansley, said: 'It's absolutely crucial for the Food Standards Agency to continue providing expert advice about food safety. But bringing nutrition policy into the Department of Health makes sense'.
Cabinet Office, Downing Street & Rt Hon David Cameron	20th July	'The Government recognises the important role of the Food Standards Agency in England, which will continue to be responsible for food safety […] In England, nutrition policy will become a responsibility of the Secretary of State for Health'.
Department of Health	30th Sept	'The change will ensure nutrition policy is delivered in a coherent and consistent manner. This is an early step toward realising the Government's vision of drawing together the diverse arrangements for delivering public health […] Health Secretary Andrew Lansley said: "I am committed to improving the public's health by providing evidence-based advice to support people in making healthier choices. The transfer of nutrition policy in England into the Department of Health means we can give the general public more consistent information. It will also mean a more co-ordinated and coherent policy-making process; and a more effective potential partnership between Government and external stakeholders'.

Source: (DEFRA 2010; Cabinet Office 2010; DH, 2010)

This announcement appeared to take senior officials within the FSA off -guard, including its chair, Lord Rooker. At a later DEFRA select committee session on the role of the FSA in the 'horse meat' scandal, Rooker described a meeting with the Secretary of State for Health:

> Lord Rooker: 'They informed us, at that date, they were taking from us all that they could without legislation, because this was a machinery-of-government change on the back of the diet and nutrition changes. There

> was no discussion. The Prime Minister had agreed it, and, on 20 July, the Prime Minister made a written statement to Parliament giving the machinery-of-government changes, setting out that the Food Standards Agency would lose diet and nutrition […]'
>
> (DEFRA select committee, 2010)

As this oral evidence to the select committee underlines, the transfer of policy functions was perceived as an abrupt process that was executed with little to no consultation with senior FSA officials. Not only did this allow the Coalition government to divest itself of responsibility for advocating a traffic light system of labelling, it also removed the political and institutional hurdles to operationalizing the RD. Indeed, the narrative of bringing policy making 'in-house' helps to explain how the transformation of policy ideas by the Conservatives were later constitutive of processes of institutional change. These ideas distinguished the RD from notions of 'good governance' under previous Labour governments, in which the delegation of functions to the FSA embodied the assumption that particular areas of policy had to be insulated from political and/or societal pressures. By contrast, the conceptual malleability of partnership allowed its transformation by the Conservatives to emphasis collaborative and consensus-oriented governing processes. This provided both the impetus and justification for the transfer of policy functions away from the FSA.

4.5 Conclusion

This chapter has explored the interplay of ideas, interests, and institutions in the operationalization of the RD. The central argument is first that the malleability of partnership as a policy idea has allowed actors to construct its meaning in divergent ways, and second, that this malleability has been used as a tool to displace responsibility from government to the market. The chapter begins by providing an overview of partnership ideas under Labour governments between 1997 – 2010. This section argues that the third way agenda of New Labour framed the food industry as stakeholders in obesity policy that could be trusted to produce public goods that went beyond profit maximisation. The delegation of policy functions to the FSA also embodied this modernising agenda, viewed as a tool to rebuild public trust and embed evidence-based policy making. While

the stated preference of Labour government was to develop voluntary agreements with industry, it is important to highlight that the FSA institutionalised an approach to self-regulation that contrasts with the notion that food industry actors could be expected to voluntarily reformulate HFSS products. The second section then examines the shift in the political context following the formation of the Coalition government in 2010. It begins, however, by examining the transformation of partnership ideas by the Conservatives in the lead up to the general election. This section traces the changing epistemic structure of partnership, arguing that notions of stakeholding and CSR were replaced with the logic of market accountability. The remaining sections of the chapter then explore how the Conservatives began to operationalize their partnership ideas. The argument being made here is that the PHC institutionalised the idea that industry actors *ought* to be rule-makers, but also highlighted the shared view within the Conservative party and among food industry actors that the FSA had overstepped its remit. This involved criticism of its support for traffic light labelling, which was framed by the Conservatives (2008) as perpetuating a 'fear of junk foods'. Moreover, this issue was used by the Conservatives to frame the FSA as an institutional barrier to operationalizing partnership, the solution to which was the transfer of public health functions to the DH. Following on from this, the third section describes the policy window opened by the wide-ranging public bodies reform implemented by the Coalition government (Flinders et al 2014). The key point in this section is that the narrative of returning policy responsibilities to the assumed default of the government department, helped to construct the transfer of functions from the FSA as a required step in operationalizing partnership between government and the food industry. This section concludes by describing how MoG was used as a tool to remove nutrition policy from the FSA and allow for the operationalization of the RD.

Overall, this chapter has attempted to situate the RD within its historical and political context, tracing the transformation of partnership as a policy idea from the third way of Labour to its market-oriented conception under the Conservatives. This is an important phase in analysing partnership, because it helps to explain how this mode of governance is mediated ideationally. Empirically, this chapter demonstrates the conceptual malleability of partnership and how this can be used to justify institutional change. It also points to the role

of ideas in constituting institutional practices, such as an emphasis on market accountability and consensus-oriented decisional processes. These dimensions are the focus of the following two chapters, which explore the institutional design and institutionalised practices of the RD.

Chapter 5. Depoliticizing accountability: The problem of metagovernance

5.1 Introduction

In its launch document published in March 2011, the Public Health Responsibility Deal was framed as maximising the benefits of working in partnership with commercial sector actors to 'accelerate the progress toward public health goals' (Department of Health 2011a). This chapter unpacks the claim that business could 'accelerate the progress towards public health goals' (DH 2011: 2), examining the operationalization of accountability mechanisms in partnership. It traces political discourses and partnership practices to concretely examine the interplay of governance and accountability. This draws on a theoretically informed empirical research on the Food Network that identifies a lack of formal mechanisms as helping to facilitate opportunities for industry actors to avoid public accountability. It argues that the accountability process reveals tensions and paradoxes between the market-driven logic of reputation-based accountability mechanisms, and the invisibility of governance networks to the media and wider public. This uses the bridging concept of 'depoliticization' - defined as the set of processes (including various tactics and tools) that displace issues from formal institutions of political decision making to informal arenas – as a lens to help explain how the paradoxical nature of accountability mechanisms can be traced to the purposeful use of metagovernance 'tools' of network framing and institutional design. Through the lens of depoliticization, it is argued here that accountability processes were underpinned by governmental strategies to displace responsibility beyond the state. The consequence of this strategy to depoliticise accountability mechanisms was the unanticipated (but predictable from an institutional design perspective) reluctance of industry actors to adopt high standards of monitoring and information reporting. The core argument here, is that the strategic action of the Coalition government to depoliticise its role in metagoverning the Responsibility Deal, worked to undermine market-driven accountability mechanisms.

This chapter is divided into three substantive sections. The first section outlines the theoretical framework, including how depoliticization can be used as a bridging concept between the meso-level theory of metagovernance and micro-

level process tracing of accountability processes. This section provides a brief overview of the literature on depoliticization and how this concept is utilised in this chapter. This takes inspiration from the influential work of Hay (2007) on processes of (de)politicization, and draws on recent contributions to this emerging literature. Following Flinders and Wood (2014), the framework developed in this chapter conceptualises depoliticization in terms of three 'faces' – discursive, societal, and governmental. The three faces are defined by Flinders and Wood as follows: discursive depoliticization focuses on ideas and language in and through which debates about political decisions are shaped; societal depoliticization is conceptualised as a process by which social deliberation surrounding a political issue erodes; and governmental depoliticization refers to a state-centric or institutionalist approach that examines the reduction of control and responsibility as a governing strategy. Depoliticization research has concentrated on the governmental face of depoliticization, particularly associated with scholarship on the delegation of functions to technocratic arm's-length bodies (Wood 2016; Burnham Peter 2001) and in terms of economic and monetary policy (Rogers 2009; Kettell 2008; Hay and Rosamond 2002; Hay 2004). This chapter draws on dimensions of all three faces of depoliticization in exploring the institutional design of the RD, but concentrates on governmental and discursive depoliticization. The chapter then bridges between the concept of depoliticization and theories of metagovernance, arguing that depoliticization can be conceptualised as a shift in the institutional setting of decision-making towards emphasizing self-governance (Sørensen and Torfing 2009).

Second, a detailed empirical account of accountability processes is developed, in which the metagovernance tools of framing and institutional design (Sørensen & Torfing 2009) are described in the context of plenary and steering group meetings. The analysis presented in this section draws on the findings from interviews with key policy actors, policy statements produced by the Conservative party in opposition, and partnership documents published under the Coalition government. It argues that accountability mechanisms were depoliticised through the discursive framing and institutionalisation of a marginal role for the state in steering governing arrangements. The third section discusses the effectiveness of accountability mechanisms, examining

contradictions between the market-driven logic of reputation-based accountability and the low visibility of partnership in media reporting. This explores sporadic media attention through focusing events. This section also examines the withdrawal of public health organisations from partnership approaches, using interview data with public health advocates to explore concerns relating to accountability processes in the Food Network. The findings suggest that depoliticising processes shifted responsibility for information reporting and monitoring to industry actors, with deleterious consequences for public accountability. The conclusion reflects on the paradoxes of metagovernance, and its impact on the public accountability of food industry actors.

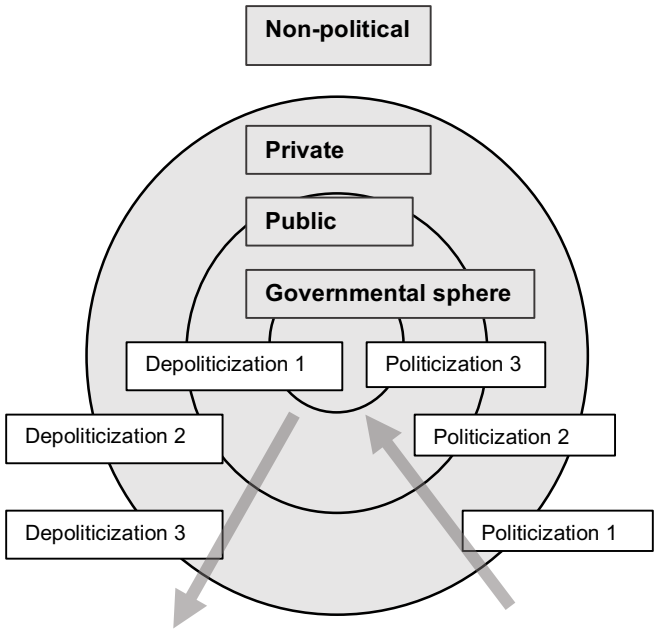
5.2 Accountability, (de)politicization and metagovernance

The concepts of 'depoliticization' and 'politicization' have been used by political scientists to describe the fluid processes through which political issues open up or close down to public deliberation and contestation. Issues become depoliticised where there is little to no room for contestation, with politicization operating in reverse. This dynamic is captured in Hay's *Why we hate politics* (2007), in which he conceptualises three realms of (de)politicization that take place across governmental, private and public spheres (see Figure 5.1). As the schema below illustrates, Hay identifies three spheres of the political and three corresponding types of (de)politicization that operate between them. Type 1 depoliticization involves the transfer of an issue from the governmental sphere to the public sphere, with the next stage of depoliticization (Type 2) displacing an issue from the public sphere to the private sphere, becoming a matter of consumer choice (Hay 2007: 850). Hay (2007) uses the issue of environmental degradation as an example of Type 2 depoliticization, in which responsibility is allocated neither with government or business, but rather framed as the responsibility of the consumer to address.

As Hay argues:

> "If consumers desire a more environmentally sustainable capitalism, it is argued, then their choices in the marketplace will reveal this. The laws of supply and demand will ensure that such preferences are reflected in

the greater provision of environmentally sustainable commodities, without the need for either the interference of government or the taming of the profit motive of business with an environmental ethic" (Hay, 2007: 85)



Source: Hay 2007

Figure 5.1 Spheres of politicization and depoliticization

As the above extract underlines, this schema provides a clear articulation of depoliticization that can be used as a lens to explore governance processes between governments and food industry actors. In order to develop this analysis, this chapter also draws on the three 'faces' of depoliticization developed by Wood and Flinders (2014). This analytical framework takes Hay's work as a starting point for further conceptualisation, mapping three 'faces' of depoliticization that distinguish between modes of depoliticization. This is categorised into governmental, societal, and discursive faces. This substantive contribution to the literature has been used by scholars as an organising perspective (Wood 2016) to capture complex processes of (de)politicization. For example, Bates, Jenkins and Amery (Bates, Jenkins, and Amery 2014)

chart the politicization of assisted reproductive technologies[7] using a case study of the Father's Clause parliamentary debates. This research charts the policy life-cycle of this technology, exploring the interplay between the different faces of (de)politicization.

This chapter focuses on *discursive* and *governmental* faces of depoliticization. Wood and Flinders (2014) associate discursive depoliticization with the denial of political choice, in which narrative, frames, or ideas become sedimented as part of a political system (Kuzemko 2014). This focuses on ideas and language (Bates et al 2014) as a form of statecraft through which accountability can be transferred away from the state. This is linked to governmental depoliticization, which refers to the delegation or removal of functions from the direct control of politicians to quasi-autonomous bodies (Thatcher and Sweet 2002). As Burnham (2001: 128) notes, depoliticization is the process of placing 'at one remove the politically contested character of decision-making'. Indeed, a focus on the hiving-off of responsibilities at arms-length (Flinders, Dommett, and Tonkiss 2014) constitutes the 'dominant perspective' (Wood & Flinders 2014) in the literature on governmental depoliticization. This chapter diverges from this perspective in viewing governmental depoliticization as helping to capture the shift in practices of decision making, from formal political institutions, to the extra-formal settings of collaborative governance. Following Beveridge (Beveridge 2012), governmental depoliticization is defined as a shift in the *arena* of decision-making, focusing attention on the concrete changes in political practices associated with the apparent shift from government to governance (Beveridge and Naumann 2014). In the most simple terms, this definition implies a transformed role for the state in contemporary governance (M. Flinders and Buller 2006), in which depoliticization is not about less politics, but about a different kind of politics occurring in institutional settings that are invisible to non-participants (Hay 2007).

In order to explore this different kind of politics, the chapter links discursive and governmental faces of depoliticization to the metagovernance role of government in shaping the norms and rules of partnership. It employs Sørensen

[7] Assisted reproductive technologies refers to human fertilisation and embryology (Bates et al 2014)

and Torfing's framework of metagovernance, and in particular, the tools of network framing and institutional design. According to Sørensen and Torfing (2016), framing refers to the political goals, financial conditions, and discursive framework of governance networks. This can be shaped through interactive processes, in which government actors communicate ideas through narratives and frames (Schön and Rein 1994). This aims to define the basic task of the network, and encourage actors to implement particular strategies (Sørensen and Torfing 2016). Institutional design refers to the arena in which interactions take place and the rules that guide practice. This aims to influence policy output through the design of decision-making processes that shape the scope and content of institutional procedures. Following Sørensen and Torfing (2009), both are categorised as 'hands-off' tools that shape the practices of governance networks. This chapter explores discursive and governmental depoliticization through the meso-level concepts of framing and institutional design, which helps to examine micro-level accountability processes. The following sections highlights the metagovernance tools used by government to shape accountability mechanisms in partnership.

5.3 Accountability mechanisms in the Responsibility Deal

5.3.1 Framing partnership

It is evident through the discourses and assumptions in documents, that responsibility for accountability mechanisms was expected to transfer from the government to the market (Type 1 depoliticization). This is visible across the interview data, policy statements, and documents that formed the basis (and outcome) of Responsibility Deal meetings. More specifically, empirical analysis of policy documents through the lens of metagovernance reveals at least two aspects of network framing. The first relates to framing of the limited financial resources available to the Department of Health (DH) to metagovern accountability processes. The second regards frames that attempted to justify a limited role for the state in motivating industry actors to initiate self-regulatory standards. This sub-section examines each in turn.

Financial conditions

The dominant strand of the Coalition government's economic and social policy was the imposition of austerity through unprecedented spending cuts (Levitas 2012). While scholars within political science have critiqued the necessity of austerity as a way out of the post-global financial crisis economic downturn (Hopkin and Rosamond 2017; Blyth 2013), the reality for central government departments was budget reductions and staff cuts. This included swingeing reductions in staff numbers and overall departmental resource budget for the DH, announced as part of the 2010 Spending Review. In October 2010, a press release set out the fiscal constraints that would be imposed on DH between 2010 - 2015, with a shrinking of its administrative budget by over a third.

The impact of this fiscal retrenchment is visible across plenary group documents, which underline the limited resources available to DH officials to assess the scope and reliability of information provided by industry actors. This framing is evident in a discussion paper discussed at the first high-level steering group meeting of the Food Network in March 2011. The first line of this draft underlines the '*limited resources* available for DH funded evaluation to assess the impact of RD pledges'. It continues by reiterating the 'limited RD resources', stating that less priority should be placed on areas where external funding could be secured for monitoring. It should also be noted that policy-based interviewees were critical of the resources allocated to partnership.
For example:

> Public health advocate: 'Don't forget that this was a time of *austerity*. There was very little civil service resources put into this…very little'.
>
> Academic researcher: 'I don't think the resources were there. Or, the Department of Health did not have the resources to put monitoring in place. I'm sure it was thought of, but I don't think the resources were there. I think the assumption was that industry would take on the role of self-monitoring to provide some assurance that something was happening'.
>
> [My emphasis]

As the above extracts suggest, the retrenchment of DH's administrative budget meant that resources were simply not available to monitor industry compliance with performance standards. Moreover, both interviewees described financial conditions as framing the basic task of the partnership, which was perceived by the second interviewee to have precluded the meta-regulation of industry reporting. This illustrates the network framing of this mode of governance as operating within a dominant paradigm of austerity.

Limited state intervention

The second aspect of network framing regards narratives that attempted to justify a limited role for the state in the metagovernance of partnership. This discourse is evident at the first plenary group meeting in September 2010. In a DH-drafted discussion paper, it is stated that partnership has the potential to 'reframe the relation between government, business, NGOs, local government and the public […]'. Following on from this, the discussion paper argues it is not the role of DH to 'police whether organisations are delivering their commitments'. Instead, the draft suggests that policy functions be delegated to network participants:

> [DH discussion paper]: 'We propose that the networks themselves should develop proposals on how they can demonstrate successful achievement of each deliverable. It will then be for signatories to publish progress against the deliverables that they have committed to in their annual report, on their website, or whatever form they deem appropriate'.

This extract demonstrates the discursive framing of accountability processes as the displacement of responsibility from the governmental to the public sphere (Type 1 depoliticization). This is implied in the proposal that industry actors (or signatories) adopt internal standards that could be self-certified in annual public reports. This framing raises the question of what tasks DH *would* perform in governance arrangements. The following sub-section explores how institutional design was used as a tool to transfer responsibilities from the state to market-driven forms of accountability

5.3.2 Institutional design

The dominant framing of accountability as a responsibility that needed to be transferred from the government, was operationalised through the institutional design of partnership (the creation of arenas for interaction and influencing institutional procedures in networks). The influence of network design is evident across the three stages of the accountability process: *ex post* provision of information; debating phase; and possibility of consequences (Busuioc 2013). This sub-section assesses the impact of institutional design on accountability processes across each stage.

Information reporting

As described in the previous sub-section, a plenary group discussion paper reveals assumptions about a limited role for government in monitoring accountability. This was reflected in the design of information reporting mechanisms, which shifted responsibility to industry actors for formulating self-regulatory standards and providing information about compliance. The metagovernance role of DH was limited to managing a web presence that entailed providing an online platform for information to be accessed. The launch paper frames the website as a tool to establish the transparency of regulatory activities through publication of annual reports. This website, the paper claims:

> '[…] will allow partners, the public, and other interested parties to track progress. Information will also be available to indicate where partners are reporting on their own progress. In time, the registry will act as a portal for partners to submit information to the Department of Health as part of the agreed monitoring processes for each pledge. The online registry can be reached on the Department of Health website'.

In the above extract, the role of DH is depicted as communicating the policy outputs of the Responsibility Deal through an appropriate web presence. This illustrates the position of government as curating networks through the coordination of information. This is evident in an earlier plenary group discussion paper that frames the central task of DH officials as managers of communication processes. This proposed that government actors metagovern partnership through taking on a coordinative role, in which 'the department will

collate this information for publication […]'. This hands-off approach to metagovernance is captured in the following reflections of a civil servant interviewee:

> Mid-ranking civil servant: 'I think one of the decisions that was taken under the Responsibility Deal, was that it would not be overly prescriptive, and that we would give organisations who signed up the flexibility to report as and how they wanted to. And that could mean corporate social responsibility reports that they could cross reference and make use of that data […]. At the outset we left it for individual partners to describe – particularly in the first year – the actions they were taking and where they were going'.

This quotation captures the role of DH officials as mediators between internal accountability processes and external policy audiences. The way in which the interviewee talks about the flexibility of reporting mechanisms, suggests a symbolic approach to accountability.

This contrasted with the way interviewees talked about negotiated interactions between government and industry actors over salt reduction, which were perceived as illustrative of the Food Standards Agency's (FSA) meta-regulation of performance standards (as discussed in Chapter 4). This kind of logic is evident in the following quotation from a civil servant interviewee:

> Mid-ranking civil servant: 'There wasn't an explicit sort of assessment […] it was very much down to individual companies as to how they wanted to set about [reporting] but if you looked at salt reduction targets [pause] the initial work predated the Responsibility Deal – which launched in 2011 – that was probably the most quantitative in terms of being very clear about categories of food, and what the aims and targets would be. The reporting around that [salt reduction] was of a different nature, and much more prescriptive, I think. That was a little different, particularly in terms of how we could synthesise that data'.

In the above extract, the interviewee suggests that the meta-regulation of performance standards provided reliable quantitative information about industry compliance with mandated targets. This reflects an implicit assumption that information reporting in the Food Network was less coherent as an accountability mechanism. This suggests that a consequence of the shift from the institutionalised rules and practices of the FSA to the extra-formal context of partnership, was the depoliticization of the monitoring role of government

actors. The following sub-section suggests that the lack of space to scrutinise information reporting also reflected a depoliticising process, in which the shift in the arena of decision-making altered the responsibilities of the state.

Debating

While institutionalised procedures for dialogue between an actor and a forum is held by many scholars to constitute a central mechanism of accountability (Busuioc 2013; Mulgan 2003; Dubnick 2005), the possibility of a dialectical accountability relationship between the government and industry actors was explicitly ruled out in policy statements and discussion papers. For example, the final report of the Conservative party working group warned of the risk of the Responsibility Deal losing credibility, becoming 'just another quango-like talking shop' (Conservative Party 2008: 10).

This idea was reflected in DH-drafted plenary group discussion papers in which external auditing of industry self-reporting is precluded as a metagovernance tool. For example, a 'monitoring and evaluation' paper, circulated at the third plenary group meeting in January 2011, emphasised that DH will collate information, but 'it will not provide any detailed analysis or commentary'. At the fourth plenary group meeting in July 2011, a follow-up discussion paper reiterated the role of DH officials as mediators rather than moderators:

> [DH discussion paper]: 'The Department has already indicated that it will play a role in co-ordinating and publishing information about progress organisations have made against the Deal's pledges. Partners will be required to submit annual updates on their progress to the Department and this information will be collated for online publication and made publicly available. *However, the Department will not provide any detailed analysis or commentary on this information*'.
>
> [My emphasis]

As the extract above illustrates, the institutional design of networks precluded scrutiny of information provided by industry actors. This appears to reflect a purposeful decision having been made within the government to avoid creating a forum in which the reliability of information provided by industry actors (and compliance with self-regulatory standards) could be scrutinised and debated.

All this suggests that the DH's role was limited to ensuring that information about policy output was made accessible to the public through a web presence. In other words, the government actors were to ensure *transparency* but not scrutiny. This function was expected to be performed, as the final sub-section explores, by the market-driven logic of reputation-based accountability.

Consequences

While transparency is often used as a synonym for accountability (Bovens 2007), it is not sufficient to constitute accountability as it does not necessarily involve *ex post facto* processes of explanation, or the possibility of consequences (Bovens 2007). As noted in previous sub-sections, the analytical lens of metagovernance tools helps explain processes of discursive and governmental depoliticization, in which the emergence of partnership as a new space of political decision-making was characterised by the displacement of responsibility from government. This sub-section explores how political governance was replaced with corporate social responsibility (Type 1 depoliticization). In terms of institutional design, at least two aspects of market-driven accountability are visible across the data. The first involves discourses that present obesity as an issue of collective responsibility, in which consumer attitudes would lead to the politicization of corporate activities. The second relates to an assumption that NGOs would act as proxies of information, which in turn would amplify the reputational risk for non-compliant industry actors. This could be conceptualised as societal politicization (Flinders & Wood 2014), drawing public attention to self-regulatory commitments made by the food industry.

The implicit assumption, evident across the data, was the idea that reputational risk would encourage food companies to behave in a more socially responsible manner. This followed a market-driven logic, based on the expectation that consumers hold corporations accountable through their choices in the market (Cashore 2002). This assumes that consumers will express a preference for 'responsible' corporate practices, which translates into politicization in the public sphere and the market (Hay 2007). According to this logic, accountability is achieved through consumers using their choices to demand high standards of

corporate behaviour. Market incentives will then operate to produce public goods. Moreover, market accountability relies on the reputational concerns of companies with a brand name (or multiple brands) to defend (Börzel and Risse 2010). In this regard, the more an issue becomes politicised, the greater the reputational risk to brand equity. Put simply, the rationale that underpins market accountability is that reputational concerns translate into high regulatory standards (Busuioc and Lodge 2016).

The discourse of market accountability is visible in key policy statements and discussion papers. For example, the report of the Conservative party working group implies that reputation-based mechanisms underpin public accountability:

> 'While participation would not be mandatory, it would reflect poorly on any party – corporate or otherwise – that did not participate when invited to do so. The aim of each group would be to develop […] what reasonable expectations the rest of society had of them and what reasonable actions can be expected of business and other parties […]'.

This logic is also evident in plenary group discussion papers, which states that a web presence could be expected to 'aid the public in finding information on the success of the Responsibility Deal'. For example, a paper discussed at the first plenary group meeting refers to an expectation of politicised consumer attitudes:

> 'To a certain extent, we would expect *society*, in the form of the media and others, as well as signatories of the Deal, to hold us all to account'.
>
> [My emphasis]

Following on from this, discussion papers circulated at the third plenary group meeting reiterate the importance of monitoring to 'establishing accountability [and] mapping progress'. It continues by stating that a monitoring framework has 'an important role to play in communicating achievements to the public and interested stakeholders'. Transparency was expected to underpin this framework, with an online register making sure that 'the public are clear about how any progress is being monitored'.

The second aspect of market-driven accountability relates to the expectation that public health advocacy organisations (described in policy documents as NGOs) would operate as watchdogs, asking critical questions and monitoring industry reporting. For example, the Conservative party working group framed public health advocacy organisations as crucial:

> 'To highlight to the public the good work they see being done by companies […] to create pressure on laggard businesses as they see fit, including those that choose not to participate. Given the high public profile of issues likely to be covered by Responsibility Deals, we believe it is likely most major business players will want to participate in them'.

As the above extract implies, the institutional design of accountability mechanisms envisages that public health organisations will have a dual role that impacts on industry participation and compliance. First, these organisations are depicted as amplifiers of accountability (Jacobs and Schillemans 2016). In other words, reporting is framed as politicising obesity policy (Type 2 politicization) through advocacy campaigns that monitor corporate practices. As stated in this report, NGOs are expected to produce reputational gains through raising awareness of 'good' corporate behaviour (Busuioc & Lodge 2016). In other words, the amplifier function of NGOs would provide a key market incentive for high standards of self-regulation. Second, NGOs are framed as a trigger (Jacobs & Schillemans 2016) for public accountability. This function is comparable to the idea of 'fire-alarm' oversight (Héritier and Eckert 2008), in which reputational risk could be triggered by 'naming and shaming' (Börzel & Risse 2010). This informal accountability role is evident in the following extract from a public health advocate (who had been involved from an early stage in policy discussions) who describes how responsibility for accountability was displaced to public health organisations:

> Public health advocate: 'Within the Responsibility Deal, *the role of government was as a convenor*, which is why some of the third sector organisations were there actually […] they were looking for the third sector to set the agenda and *provide the challenge to industry*. If government weren't going to provide that challenge [or show] leadership, then it had to be from the third sector. I think it's important to see that sort of dynamic. I think in many ways it was an act of faith. At the time, ministers and the Department of Health clearly wanted to get a tripartite agreement between civil society, industry and government'.

[My emphasis]

This quotation captures precisely how government actors aimed to facilitate simultaneous processes of (de)politicization. The first part of the above extract illustrates the displacement of responsibilities to non-state actors (Type 1 depoliticization), in which the interviewee highlights both amplifier (via agenda-setting) and trigger models of public accountability. Moreover, in the second part of the extract, the interviewee indicates that public health organisations felt compelled to assume accountability responsibilities because government actors had withdrawn from this role.

Overall, this section makes clear that network framing and institutional design aimed to depoliticise the role of government actors, displacing responsibility to consumers and public health organisations for public accountability. Yet, as the final section of this chapter explores, this tactic of governmental depoliticization created tensions and paradoxes between market-driven accountability and the invisibility of political decision-making to the wider public.

5.4 The accountability problem of the responsibility deal

In contrast to the discursive framing of partnership in government policy documents as an intrinsically efficient mode of governance, the findings of an evaluation conducted by the LSHTM Public Innovation Research Unit (PIRU) found little evidence to support claims of policy effectiveness. As discussed in Chapter 2, the PIRU evaluation focused on the development and implementation of industry 'pledges', assessed on the 'additionality' (based on whether actions were attributable to partnership) of industry self-regulation. It is perhaps unsurprising that the findings of the Food Network evaluation underlined that potentially effective policies (such as marketing restrictions and sugar reduction) had not been implemented (Knai et al 2015). The evaluation noted that industry reporting was 'inconsistently provided on the RD website and mostly unavailable' (Knai et al 2015: 4). Moreover, it is argued that partnership motivated few industry actors to implement self-regulatory standards. For example:

> ‘In the case of the RD food pledges, progress reports were mostly unavailable, and where provided, very incomplete, making it difficult to evaluate whether targets were being met’
>
> (Knai et al 2015: 9)

Overall, the findings of the PIRU evaluation demonstrate a sizeable rhetoric-reality gap, between the framing and institutional design of accountability, and their operationalization in practice. This section attempts to address this gap by considering what might explain the accountability problem of the Responsibility Deal. Following a brief overview of the political science literature on the low visibility of governance networks to non-participants, the section goes on to explore the limited media and political attention to this partnership. The remaining sub-sections argue that the paradoxical nature of accountability mechanisms was an unanticipated (but predictable) consequence of governmental depoliticization.

5.4.1 Attention seekers? Media interest in the Responsibility Deal

For public accountability mechanisms to function, decision-making had to be scripted and staged to gain mass media attention. As discussed in the previous section, discourses of transparency underpin the assumption that the supply of publicly available information would be sufficient to provide the media with narratives that could be translated into ‘news’ for a wider public. In other words, public accountability depended on a focusing event to attract media attention, and a regular supply of information to facilitate continuous tracking of policy developments (Boswell 2012). In short, accountability was reliant on information supply to produce media attention, in turn politicising this issue and creating market incentives for high standards of industry self-regulation. This created a paradoxical situation, in which placing decision-making ‘at one remove’ from formal institutions (Burnham 2001) limited political or media interest in this issue. Writing on network governance in a mediatized politics, Hajer observes that governance networks lack the symbolic appeal of formal political institutions:

> ‘While in the modernist repertoire there are clear settings for performing politics, network governance is notoriously weak in this respect. It lacks both drama and dramaturgy. This is deeply problematic in a society in

> which politics has come to be inherently mediatized […] all that network governance can offer is a meeting room filled with administrators, some stakeholders, expert reports, and a folder with minutes and draft agreements. This can hardly be made into an interesting story, and is therefore neglected by journalists and remains invisible to the general public'.
>
> (Hajer 2009: 177)

This extract illustrates the accountability problem of governance networks, in which opaque decisional procedures are not easily accessible to external scrutiny (Papadopoulos 2003), or indeed provide the media with interesting narratives.

This suggests that simultaneously depoliticising accountability mechanisms while politicising consumer choice, constituted a problem that required assiduous use of metagovernance tools to ensure political and media attention (Sørensen & Torfing 2009). However, the RD received a low level of media and political attention, despite the efforts of DH officials to generate interest in its decisional procedures and policy output. It is important to be clear about this analysis. It does not attempt to quantitatively assess media attention, or to gauge levels of citizen engagement. Rather, it presents analysis of discussion papers to explore perceptions of media attention. The findings suggest DH officials encountered barriers to media engagement.

While discussion papers emphasised the 'positive press coverage' of the Food Network, this discursive framing did not reflect media interest in this policy issue. Importantly, the launch of the Responsibility Deal received a low level of press coverage, which predominately focused on sporadic events, such as the British Heart Foundation and British Medical Association refusing to engage in the RD. This is evident in media reports across tabloid and broadsheet national newspapers, such as *The Guardian*, *The Times*, and *The Daily Telegraph*. For example, the *Daily Telegraph* headline stated that 'Charities refused to sign up for government's health drive' (The Daily Telegraph 2011). *The Guardian* similarly reported that health bodies had 'walked away' and 'refuse to sign up' to the Responsibility Deal (Boseley 2011).

Over the next 18 months, discussion papers framed the Responsibility Deal as a source of ongoing media attention. For example, a DH press release to announce the launch of a calorie reduction pledge in March 2012 (discussed in greater detail in Chapter 6) attracted muted interest, with *The Daily Telegraph* (The Telegraph 2012) and *The Sun* (The Sun 2012) focusing less on partnership than the self-regulatory commitments of brand names such as Mars and Coca Cola. In January 2013, this was followed up with a DH press release on industry commitments that received similarly low levels of media attention, with press coverage concentrating on comments made by the Parliamentary-Under Secretary of State for Health, Anna Soubry. Speaking at an industry stakeholder event organised by the FDF to publicise further calorie reduction efforts, Soubry remarked that 'you could almost tell somebody's background by their weight […]'. In this case, attempts to politicise industry self-regulation was superseded by media interest in reporting the stigmatising comments made by a senior politician.

These examples illustrate the barriers faced by DH officials in terms of framing the RD as an interesting story that would be likely to elicit media interest. First, it is evident that this mode of governance lacked the drama of decision-making in parliament, with media attention reflecting an interest in recognisable symbols, notably in reporting on brand names and emotive comments made by recognisable politicians (Hajer 2009). Second, the piecemeal information contained in DH press releases reflected sporadic patterns of government reporting, which in turn produced punctuated media and political attention. This helps explain both the low visibility of the RD, and the barriers to discursively constructing this mode of governance as an interesting story deserving of media attention. Moreover, as the following sub-section explores, policy-based interviewees did not perceive market-driven accountability mechanisms as creating market incentives for high standards of self-regulation.

5.4.3 Market failure, or failure to market?

As discussed in the previous section, the institutional design of the Responsibility Deal reflected a purposeful decision to depoliticise the role of government, divesting itself of responsibility for monitoring accountability

processes. Yet, assumptions that industry compliance would be driven by reputational risk, stood in stark contrast to the efforts of DH officials to persuade reticent companies to participate.

This process is visible within Food Network action notes, which routinely underline the work of DH officials to persuade industry actors to develop self-regulatory standards through bilateral meetings and trade events. For example, a future work programme paper circulated at the ninth steering group meeting [December 2012] details the priority of 'achieving greater awareness of the work of the Food Network and sign-up to pledges'. This document recommended 'holding regular engagement events open to all partners and potential partners to update on progress and drive implementation'. Moreover, the above discussion is illustrative of a trend in the data, in which action notes and discussion papers placed an increasingly stronger emphasis on the facilitative and motivational work of DH officials.

The problem of industry participation is captured in a DH-drafted paper circulated at the 6th plenary group meeting in July 2012, bluntly titled 'Reasons to sign-up to the Responsibility Deal'. As might be expected, this document lists the reputational and market incentives for participation, arguing that 'it's easy and free to sign up and shows a public commitment to this work'. While the content of this document is unremarkable, the fact it was drafted is revealing about the extent to which market-driven accountability mechanisms were perceived by government policy actors to have been operationalised. As discussed earlier, the institutional design and framing of this governance arrangement assumed that depoliticization of accountability processes would allow for 'hands-off' metagovernance. Yet, it is evident in the discourses and assumptions of discussion papers, that DH officials became increasingly hands-on in persuading industry actors to engage in the Responsibility Deal. In other words, the drafting of the 'incentives' paper embodied a tacit recognition that reputation-based accountability had not translated into concrete accountability processes.

This implicit assumption can be contrasted with how policy-based interviewees talked about the design of accountability mechanisms. As the following extract

from an interview with a mid-ranking civil servant illustrates, decision-making in partnership was perceived to have a negligible impact on reputational risk:

> Mid-ranking civil servant: 'It's a really difficult thing to do to persuade an organisation to do something if they're the only ones in the sector who are going to be doing that. And particularly when it comes to the reduction of the palatability of food – we talk about fat, sugar, and salt, which we know are things that make food highly palatable – unless you're in a position where you have consumers and the market demanding [healthier] products, and that is beamed back into business [models], you know, *it can be tricky to get them [the food industry] to do things if it's not in line with what consumers want'*.
>
> [My emphasis]

In the above extract, the interviewee describes the tension between incentives to maximize profit through sales of processed foods, and a perception that consumers did not demand healthier food products. Consequently, persuading industry actors to reformulate HFSS products was a 'really difficult thing to do'. Like the above interviewee, public health advocates and industry representatives were similarly critical of market-driven accountability mechanisms. For example:

> Public health advocate: 'The government naively believed that industry would do the right thing. I think that the whole model of self-regulation is intellectually flawed […] it doesn't really matter how progressive a particular actor is. It's irrelevant, because they [industry actors] can be progressive but as soon as they vacate [space] they give away market advantage that is going to be filled by competitors […]. Unless you have a [policy] measure that ensures everyone behaves in a particular way, then you have no control of the market'.

> Trade association representative: 'The thrust of the debate around accountability was around holding those who didn't do it [self-regulation] to account. Nobody seemed to give much thought to 'how do you celebrate and reward those who do it?'. So, the companies who voluntarily did it – at some cost and risk – felt that they did not get rewarded. While those that took the safer option of saying 'we won't bother because it's voluntary', did not seem to get negative PR. So, the whole accountability piece did not really seem to work'.

While the extracts above clearly reflect diverging perspectives about self-regulative policy instruments, both interviewees referred to the failure of market-driven accountability mechanisms. In the case of the public health advocate,

this related to fundamental tensions between market incentives and the capacity of industry actors to self-regulate, while the trade association representative suggested a lack of reputational gains or losses. While this reputational perspective was visible across the interview data, it is worth noting that the PIRU evaluation found little evidence that industry actors invested non-trivial resources into self-regulation. Conversely, the RDFN evaluation reported that the majority of self-regulatory commitments were clearly or plausibly implemented prior to the RDFN (Knai et al. 2015). Nevertheless, both interviewee accounts illustrate that there existed few, if any, market incentives for industry actors to set high self-regulatory standards.

5.4.4 Depoliticization, public health advocacy, and the accountability paradox

This section explores the paradoxical nature of accountability, using the exit of public health organisations from the Responsibility Deal to weave together discussions of metagovernance, accountability, and mediatized politics. It argues that the withdrawal of public health organisations embodies the paradox of governmental strategies to divest itself of policy responsibility, which worked to undermine pollicisation of market accountability.

In a statement released on 17th July 2013, public health organisations (Cancer Research UK (CRUK), The Faculty of Public Health (FPH), and UK Health Forum) formally withdrew from the Responsibility Deal. The drama of the withdrawal of multiple high-profile public health organisations (particularly CRUK) was an interesting narrative for the media, with *The Telegraph* (The Telegraph 2013) reporting this as a collective resignation to 'protest […] David Cameron's decision not to introduce a minimum unit price for alcohol'. Indeed, the decision not to include minimum unit pricing (MUP) was referred to in the formal statement as having 'fallen victim to a concerted and shameful campaign of lobbying by sections of the drinks industry […]'. However, while this exit was triggered by the focusing event of the publication of the government's alcohol strategy (HM Government 2012), a separate statement issued by Cancer Research UK to the Secretary of State for Health reflects a broader critique of this mode of governance. For example:

> ‘It is therefore with regret that we have decided to withdraw from your Responsibility Deal. As a result of today’s decision [on MUP], the Responsibility Deal remains the only mechanism left to reduce the health harms of alcohol. We joined the deal in good faith. We were told that this approach would complement Government policy, not replace it. The Deal was intended to focus on areas where industry action could be more effective and quicker than legislation. However, on its own it cannot hope to make a serious contribution to public health’.
>
> (CRUK statement, 17.7.13)

The above extract illustrates a frustration with the displacement of public health from a governmental policy responsibility, to partnership with the alcohol (and food) industries. Moreover, this statement reinforces a sense that the transfer of political decision-making to partnership was used to depoliticise the role of government. The opinions expressed above were also put forward in interviews with public health advocates, and it is no surprise that responses tended to focus (often implicitly) on issues of network framing and institutional design.

In terms of network framing, the data suggests that interviewees perceived the shift in the institutional setting of decision-making as a means for accountability processes to be transferred to public health organisations. First, the idea that the government was committed to achieving less state intervention was overtly articulated in many interviews. As one interviewee put it, the government were ‘ideologically opposed to regulation, and keen to lean on business’. Second, many interviewees who had been involved in the Responsibility Deal talked about assumptions that public health organisations would take a hands-on regulatory role in monitoring industry actors. For example:

> Public health advocate: ‘I think there was an expectation that the civil society organisations would provide the scrutiny and pushback that was needed to ensure that business commitments were robust and meaningful. *We are not resourced to do that*. We didn’t have access to the necessary information. You need the government of Department of Health ensuring that necessary commercial information is made available, so if you are going to be serious about checking progress against these commitments that there is a means to do so. I think it was an example of how *civil society organisations were expected to provide that scrutiny*’.
>
> [My emphasis]

In the above extract, the interviewee describes the discourses that were employed by the government to frame this institutional arrangement, referring to assumptions that public health organisations would perform a watchdog function. Yet, as indicated in the above quotation, public health organisations did not have the kind of resources to monitor industry self-reporting. More specifically, the interviewee implies that this was not simply about financial resources, but the adequacy of information reporting. In other words, it was suggested that the institutional design of partnership functioned as a barrier to operationalizing reputation-based accountability mechanisms. This was also the perception of other interviewees, illustrated in the following extracts:

> Public health advocate: 'Even when you had [collective] pledges, there was no real incentive for companies to sign-up, because those that did sign-up generally seemed to get – or they argued – that they got more scrutiny and had to comply with different reporting requirements within the Responsibility Deal. Those that decided not to do it didn't have to fill in any of the detail, and didn't really get any criticism. *Some NGOs tried to highlight* where companies weren't signing up, but generally it was 'just keep your head down' and nothing would happen to you if you didn't sign-up'.
>
> Public health advocate: '[…] there was just annual progress reporting every March and that would be published, but with no commentary on whether or not that was sufficient progress, what the gaps were, where more action was needed, or highlighting the companies that weren't signing up. There was no real [pause], if you didn't sign-up to it, nothing happened to you at all […] it certainly wasn't the case that government was saying: 'this is what we want you to do, and you are going to do it' […]. It was disappointing that there was no mechanism for naming and shaming companies that weren't signing up to the pledges'.
>
> [My emphasis]

In the above extracts, both interviewees hint at the paradoxical nature of accountability mechanisms, and similarly reflected that there existed no reputational risk for non-compliance or non-participation on the part of food companies. As both interviewees help explain, the failure to operationalize accountability mechanisms can be traced to the hands-off metagovernance role of DH, and the low visibility of partnership in a mediatized politics. First, interviewees referred to the limited enthusiasm of government actors to take on responsibilities of auditing information, or monitoring the compliance of industry actors with rules and codes of conduct (this is illustrated in the quotations above,

but also the interview data introduced in the previous page). For example, the way in which the first interviewee talked about the government's symbolic approach to accountability, identifying the underprovision of information as precluding third party monitoring of industry compliance. This perception was evident in the other interview extracts, in which interviewees reflected that there were no consequences for industry actors that did not comply with performance standards. Second, and linked to this purposeful government strategy to divest itself of responsibility, is the limited media and political interest in the policy output of the Responsibility Deal. Reflecting this, and as articulated by one interviewee, initiatives to generate media attention appeared to have little substantive impact on industry actors, with 'no mechanism for naming and shaming' in instances where information reporting was inadequate.

Overall, it is abundantly clear from the interview data that hands-off tools of metagovernance (network framing and institutional design) were used to displace responsibility beyond the state. However, as discussed in this section, there is little empirical evidence to support the notion that market incentives would induce industry actors to adopt high performance standards. In contrast, the data reveals tensions between this market logic and depoliticising processes that worked to undermine market-driven accountability mechanisms. All this suggests that governmental depoliticization (Type 1 depoliticization) had predictable consequences for public accountability, in which the government framed obesity policy as an issue of consumer choice. Yet, in shifting the arena of decision-making from the formal political sphere to informal spaces of partnership, this depoliticization worked to undermine public accountability. Indeed, this chapter argues that the government's purposeful use of hands-off metagovernance tools produced an accountability paradox, whereby depoliticization was at least partially dependent on a continued role for the state in politicising the issue of obesity policy and corporate practices of food companies. Put simply, while the Coalition government could, in the short-term, displace responsibility from the formal political sphere to the public realm, the ideological commitment to limited state intervention confounded subsequent attempts to politicise consumer demand for high standards of industry self-regulation.

5.5 Conclusion

This chapter set out to explore informal accountability mechanisms, using the bridging concept of depoliticization to examine the interplay of governance and accountability processes. Through the lens of depoliticization, the chapter argued that accountability processes reveal tensions and paradoxes between the market logic of reputational risk for industry actors, and the opaque nature of decision-making within partnership. In other words, claims of policy effectiveness in policy statements contrast sharply with the institutional design of the RDFN.

The first part of this chapter illustrated how the use of hands-off metagovernance tools reflected a deliberate governmental strategy to depoliticise obesity policy. This section outlined the use of hands-off metagovernance tools to displace responsibility from the government. More specifically, this examined how network framing and institutional design shaped governance arrangements in a way that precluded formal responsibilities for the DH in monitoring industry self-regulation. In contrast, policy documents and interview data reveal an explicit rejection of government responsibility for accountability processes. This was reflected in the framing of partnership - as a solution to fiscal retrenchment *and* an ideological commitment of the Conservative-led Coalition government to 'roll back the state' (Kerr et al, 2011; Peck & Tickell 2002) - but also the design of accountability mechanisms that restricted the responsibilities of the DH to a web-based transparency role. The second empirical section of this chapter then explored the barriers to operationalizing market accountability, demonstrating the barriers to (de)politicization in a mediatized politics. This outlined the rhetoric-reality gap between the framing and design of the Responsibility Deal, and operationalization of accountability mechanisms, before moving on to consider the invisibility of governance networks in media and political debates (Hajer 2009). This section explored the tensions and paradoxes that ensued from the attempt by government to depoliticise accountability through a shift in decision-making to the informal political spaces of governance networks. However, the analysis here suggests that DH officials involved in the RDFN faced barriers in attracting media attention, which fixated on the political drama of ministerial

statements and withdrawal of public health bodies. This was visible across interviews with public health advocates, in which many associated accountability failures with governmental strategies to divest itself of responsibility.

What does this mean in terms of partnership as a mode of governance? This chapter challenges the rationale which is explicit in official policy statements, that partnership between government and food industry actors would mobilize commercial sector resources and induce voluntary compliance with high self-regulatory standards. For example, this logic is reflected in the Responsibility Deal launch statement, which frames partnership with commercial sector actors as generating 'more progress, more quickly, with less cost than legislation' (DH 2011: 2). More specifically, the idea that industry actors could 'accelerate the progress toward public health goals' (DH 2011: 2) assumed that the depoliticization of formal accountability mechanisms would lead to the simultaneous politicization of food industry activities. However, as the findings illustrate, this displacement did not enhance policy effectiveness, but instead operated to undermine public accountability. As such, this chapter challenges the assumption that governments can divest themselves of responsibility through a market-driven logic. The analysis of this chapter suggests that reputation-based accountability mechanisms are unlikely to produce the kinds of voluntary self-regulation that substitute for traditional forms of regulation.

Chapter 6. Informal governance and food industry influence: policy making in the backstage

6.1 Introduction

This chapter draws on the empirical data outlined in the previous chapter to examine decisional procedures within the Food Network, and explores these processes against the claim that the Responsibility Deal would 'agree practical actions to secure more progress, more quickly, with less cost than legislation' (DH 2011: 2). The chapter also examines policy making in the context of the Public Health Commission (introduced in Chapter 4), in which decision-making is framed as a discursive and consensus-oriented process. The empirical focus of this chapter is to critically assess the assumption that partnerships embed a mode of decision-making that could plausibly lead to negotiated agreements between the government and food industry actors. This chapter traces decision-making through the lens of informal governance, defined as the non-codified policy settings which are not structured by pre-given sets of rules or formal institutions (Tatenhove, Mak, and Liefferink 2006). The empirical data presented in this chapter highlights the marked difference between the notion of partnership as accountable and visibly deliberative (Hay 2007), and evidence that shows that negotiations were conducted in ways that excluded public health organisations from decision-making. What the empirical data reveals is that discussions were conducted in the *back stage* of policy making, in which food industry actors could shape the 'rules of the game' in negotiations less constrained by the *front stage* of steering group meetings. This back stage of policy making enabled industry actors to avoid unwelcome performance standards and mandated self-regulatory commitments. These findings suggest that claims relating to 'practical actions' contrast with back stage decision-making that stymied policy effectiveness, and excluded public health organisations from the process. The central argument of this chapter is that the flawed institutional design of partnership institutionalised decisional procedures in which back stage negotiations undermined policy making in the front stage.

This chapter is divided into five substantive sections. The first section focuses on informal governance, and explores concepts that are relevant to exploring decisional processes: the interrelationship between front and back stage of

policy making. The second section introduces the notion of multiple accountabilities disorder (Koppell 2005), outlining tensions between practices of account-giving and stakeholder responsiveness. The third and fourth sections use two in-depth empirical case studies to trace decision-making processes in the Food Network (RDFN) of the Responsibility Deal. The third section begins by restating the methodological approach used to analyse informal governance, before moving on to explore the back stage negotiations over the scope of a collective pledge on calorie reduction, and proposals for quantitative performance standards. Using a combination of email correspondence between industry representatives and Department of Health (DH) officials and meeting documents, these sections demonstrate how key decisions were shifted to the back stage of policy making. The findings reveal that, in contrast with policy discourses that framed decision-making as effective *and* deliberative, the front stage of meetings functioned to rubber stamp decisions that had been pre-negotiated in the back stage. The final section explores how interviewees framed informal governance arrangements. It argues that back stage processes functioned to break deadlocks between DH officials and food industry actors are the predictable consequence of multiple accountabilities.

6.2 Informal governance

Informal governance refers to the observed shift in contemporary policy making to spheres of decision-making that are not structured by formal rules. The academic literature exploring informal governance constitutes a small but distinctive sub-field, with much of the research focused on policy making at the EU level (Reh 2013; Christiansen and Neuhold 2013;bTatenhove, Mak, and Liefferink 2006). However, this concept is closely linked to the literatures on deliberative policy analysis (Hajer and Wagenaar 2003) and depoliticisation (Beveridge 2012) which conceptualise a shift towards informal spaces of politics in which there are no agreed upon procedural rules (Hajer 2003: 175). This chapter draws on the framework developed by Van Tatenhove, Mak and Liefferink (2006: 14) who define informal governance as:

> ‘Those non-codified settings of day-to-day interaction concerning policy issues, in which the participation of actors, the formation of coalitions, the processes of agenda setting, (preliminary) decision-making and implementation are not structured by pre-given sets of rules or formal institutions’

There are two concepts that are central to this framework (Ayres 2017). First, informal practices depend on the motives of the actors involved. Van Tatenhove *et al* (2006) provide a heuristic that distinguishes between intent that can be either cooperative or conflicting. In cooperative strategies, informal practices may focus on developing innovative new rules, which may subsequently be formalized. In conflicting strategies, the strategic intent of actors involved is to change rules through their critical voice or subverting existing rules. This framework is used to analyse the strategic intent of food industry actors to undermine the formal political objectives of the Food Network. Second, the interplay of informal and formal practices refers to Goffman’s (1959) distinction between *front stage* and *back stage*: political space as the interaction between two regions in which policy making takes place. The notion of performance is central to the distinction between front and back stages, in which the front stage is where roles are performed to an audience. Drawing on Hajer’s performative perspective on governance (see Chapter 2), Tatenhove *et al* (2006) describe back stage processes as taking place in conditions of institutional ambiguity in which there are no agreed upon norms and rules that determine who is responsible, and what form of accountability is to be expected (Hajer and Versteeg 2005). In the back stage, actors talk about what is going on frontstage and reveal facts that would not be reproduced to an external audience (Wodak 2009). Goffman (1959: 112) observed that ‘the back region is the place where the impression fostered by the performance is knowingly contradicted as a matter of course’. In contrast to the codified rules of the front stage, informal practices in the back stage are less constrained by formal rules. Van Tatenhove *et al* (2006) describe the front stage as r*ule-directed* (provided by codified rules) and back stage as *rule-altering* in which the rules of the game are inherently less clear and the roles of actors not pre-given. This corresponds to Beck’s (Beck 1994) notion of sub-politicisation, which conceptualises rule-altering politics as a kind of meta-politics (politics of politics) in which actors alter the rules of the game.

This chapter examines the impact of informal governance in relation to policy effectiveness and deliberation. Before moving on to consider these dimensions, the chapter considers the inclusion of industry actors in rule-altering practices. This section explores the ways in which the framing of partnership as collaborative was operationalized in the substantive conception of accountability as stakeholder responsiveness (Koppell 2005).

6.3 Decision-making and the challenge of 'Multiple accountabilities disorder'

In a widely-cited paper, Koppell (2005) argues that the image of accountability as a normative standard of governance masks disagreement about how the concept is operationalized in practice. This can lead to *fuzzy* accountability (Bache et al. 2015) in which contradictions and tensions exist between dimensions of accountability. In Koppell's words, competing expectations of its operative definition give rise to multiple accountabilities disorder (MAD) in which public officials attempt to mix together different types of accountability (in Koppell's typology, the five dimensions include transparency, liability, controllability, responsibility, and responsiveness). In attempting to reconcile these dimensions, accountability resembles a 'bureaucratic version of Twister' (Koppell 2005: 99) in which policy makers may be faced with the irreconcilable expectations of transparency, account-giving and responsiveness. Having described governmental strategies to depoliticise accountability mechanisms in the previous chapter, this section uses interview data to explore civil servant interviewees' perceptions about partnership working.

6.3.1 Accountability as *responsiveness*

A pattern of interviews with civil servants was the tendency of interviewees, when asked to describe what they felt was distinctive about this mode of governance, to frame partnership working in terms of responsiveness to stakeholders. This is illustrated in the following quotation in which the interviewee framed interaction with food industry actors:

> Mid-ranking civil servant: 'What is important to me about partnership working is being candid, honest and transparent about what is needed.

> I often have conversations with stakeholders where I know we have a completely different opinion about what the right way to do something is. And I'm going to do that because that's what Ministers want us [civil servants] to do […] my conversations with *partners* is about 'how do we make this work in a way that's going to be meaningful' […].
>
> [My emphasis]

In the above extract, the interviewee conceptualises partnership working in terms of balancing the interests of industry actors with public health aims. It is important to note how the interviewee describes accountability as a function of departmental hierarchy, in which responsiveness is framed as operationalizing and implementing policies established by ministers. Their task was to take partnership ideas and turn them into workable (or meaningful) policies. Moreover, it is evident in the following extract that this interviewee interpreted having conversations as involving the direct participation of industry actors in policy formulation. For example:

> Mid-ranking civil servant: 'I think what we will be doing in the coming weeks is working with those [industry] partners that are going to be critical [to the obesity strategy] and having conversations with them about what part they think they are going to play and what will be the right way of us working through partnerships with them'

This highlights the assumption that policies will be negotiated between government and the food industry. Like the above interviewee, most civil servants interviewed suggested that industry actors *should* have a role in decision-making. Moreover, the notion of the food industry as rule-makers was framed in interviews as indistinguishable from the assumption among interviewees, that obesity policy *ought* to be formulated in partnership. This view is captured in the following quotation:

> Mid-ranking civil servant: 'As opposed to…? This is a difficult question because I don't do anything that's not in partnership. It's a bit like; how would I do it if I didn't do it in partnerships? I wouldn't…I just wouldn't'.

This suggests that partnership narratives had undergone a process of discursive institutionalisation, used to conceptualize the policy process and embedded in organizational practices (Hajer 2009). Yet, while the interview data illustrates the perception among civil servants that partnership working

institutionalised an accountability to industry actors as co-producers of policies, it is interesting that civil servants that were interviewed were equivocal about what the RD had achieved in terms of public health. For example:

> Mid-ranking civil servant: 'Don't forget that it [Responsibility Deal] was under a Coalition government. I mean, it's not been closed down yet; but how we go forward working with industry is part of the childhood obesity strategy […] the voluntary partnership worked well but in some areas it didn't go far enough, such as on [marketing] promotions where we didn't get any voluntary agreement. You know, there are some areas where it's not the answer, I think.
>
> Mid-ranking civil servant: 'I think the new approach [focused on childhood obesity] has learned from the Responsibility deal. I mean, the RD [sic] certainly had some very significant successes, but I think it was also recognised that there were things that could be improved. And one of them was this question of benchmarking […] what have they done by signing up to the Responsibility Deal that they wouldn't have done anyway. And there was a bit of a lack of transparency because of the absence of benchmarking at the outset'.

It is important to note that the Responsibility Deal remained a *very* sensitive area for the DH and it is clear from the above quotations that interviewees used time horizons to construct a boundary between past governance and current policy strategies. As discussed in Chapter 3, this partnership was referred to as having become a toxic policy, and in this sense, it is unsurprising that civil servant interviewees emphasised what they perceived as its policy successes. However, the above quotations illustrate tensions between the notion of co-production, and the perception among interviewees that partnership working was not particularly effective in negotiating voluntary agreements between government and the food industry. As the second quotation underlines, information reporting mechanisms were referred to as having failed to produce high standards of corporate behaviour. While the failure of accountability mechanisms can be traced to attempts by the Coalition government to displace responsibility beyond the state, the following sections demonstrate that policy effectiveness was also affected by informal practices in the back stage of policy making.

6.4 Deliberative ideals and back stage deals: industry influence over the drafting of voluntary commitments in the Food Network

While civil servant interviewees reflected that the Responsibility Deal had not achieved the policy aims that had been claimed in policy statements, the interview data was less clear about *why* interviewees felt that this was the case. As discussed in the previous chapter, policy effectiveness was presented as being clearly related to the depoliticisation of accountability mechanisms. Yet, I was interested in what influence industry actors had exercised over information reporting requirements and the framing of voluntary commitments. FOI requests were submitted to the DH that generated email correspondence between FDF representatives and policy makers over a two-year period (April 2010 – March 2012). These documents could then be used to trace the interplay between the front stage of steering group meetings, and decision-making in back stage email conversations between industry actors and DH officials. First, it is important to understand policy claims made about partnerships in the institutional design of the Food Network, conceived in broad terms as an attempt to get certain meanings to 'stick' in informal and formal practice (Lowndes and Pratchett 2014).

6.4.1 Institutional design

In its recommendations, the Public Health Commission report stated that a future Responsibility Deal should embody a decisive shift away from traditional forms of regulation towards regulation built on normative legitimacy. It argued that industry would engage in partnership because 'many business leaders believe that responding to wider social and environmental challenges is simply the right thing to do'. This report framed the role of government as metagoverning networks, organizing collaborative dialogues and negotiating roles and responsibilities. The form that decision-making would take was expected to be deliberative and consensus-oriented:

> 'For example, a Responsibility Deal in obesity would have to tease out how different factors such as the role of regular exercise, the composition of various food products, and education in healthy eating might combine to address the problem. The Responsibility Deal process

> would then have to negotiate who would do what in each area […] The process would be discursive and companies would therefore have an opportunity to argue their case for why certain expectations were realistic or otherwise. The process would also be designed to bring pressure on other parties to play their respective roles and focus on outcomes […] regular meetings of the forum would also help to ensure that there was a shared sense, among all participants, of the need to deliver on their part of the contract'.
>
> (Public Health Commission, 2008:10)

This recommendation has two important dimensions. First, the report frames partnership working as a deliberative process that includes affected interests, and facilitates discursive interactions that enable and promote the exchange of arguments (Landwehr and Holzinger 2010). It assumes that deliberation would lead actors to seek a reasoned consensus (Risse 2004), in which coordinative pressures (the presence of a requirement to come to a collectively binding decision) could be expected to facilitate compromise and produce informed rational decisions (Hendriks 2009). This framing aligns with its definition in the academic literature on deliberative democracy, as a communicative process that aligns with normative ideals of reciprocity and reasonable dialogue (Fung 2006; Gutmann and Thompson 1998). As the report argues, meetings would take place in spaces of politics that induce reflective decision-making (Dryzek and Hendriks 2012), reflecting the Habermasian ideal of a forum in which the force of the better argument prevails (Habermas 1984). At the first plenary group (PG) meeting of the Responsibility Deal in September 2010 a discussion paper set out the aims of partnership working, reproducing the idea that decision-making would embody deliberative ideals of transparency and inclusiveness:

> [PG Meeting 1]: 'A Public Health Responsibility Deal presents an opportunity to reframe the relationship between Government, business, NGOs, local government and the public in tackling the challenges facing public health […]'
>
> [PG Meeting 1] 'The strength of the Deal's partnership will lie in the diversity of organisations that it brings together – public sector, commercial and charitable – and for it to be successful we need to trust each other. We therefore hope that participants in this venture will be willing to adopt the following working principles
>
> - To support the initiative publicly and not seek to undermine the approach

- To recognise that we are approaching this from different perspectives – this is the strength of the partnership
- To recognise that there will be differences of opinion – we need to be willing to consider and agree compromise approaches'

(Department of Health 2010a)

As the above extracts illustrate, the institutional design of the Responsibility Deal is framed as a process of collective decision-making in which government, civil society and business actors consider arguments in view of the collective good. Indeed, as the working principles of this document underline, it is assumed that justificatory and coordinative pressures will enable compromise. This rationale is also evident in a discussion paper circulated at the first meeting of the Food Network Steering Group (RDFN) in March 2011:

> [RDFN 1]: Task-specific working groups will be convened to deliver products commission by the Steering Group […] Outputs from the working groups will be tested with a wider range of external partners through the e-Food network (either electronically or via focused events) before being considered by the Steering Group and put to the RD Plenary Group.
>
> [RDFN 1]: The final makeup of each working group will vary depending on the needs of the workstream but will:
>
> - Reflect the need for a high level of involvement of all sectors of business, as well as the role of other partners such as NGOs and professional bodies embedded in the overall RD approach;
> - Be expected to include representation from a cross-section of partner organisations to include technical and broader policy input from industry;
> - Be proposed by the Chair and Secretariat following discussion and calls for expertise, as appropriate, and agreed with the Steering Group.
>
> Working arrangements will be flexed to ensure an appropriate balance between development and review of draft outputs, and may be carried out through a mix of physical meetings and/or electronic forums'.

(Department of Health 2011b)

Like the first PG meeting, the documents circulated at the RDFN frame decision-making as a discursive and consensus-oriented process, in which affected interests would be included in policy decisions. Moreover, the RDFN terms of

reference also illustrate the privileging of commercial sector interests in decisional procedures, with working groups requiring 'high-level involvement' from all sectors of the food industry.

In terms of formal design, the Responsibility Deal was constituted by five issue networks: food; alcohol; physical activity; health at work; and behaviour change. Interactions were structured around quarterly face-to-face steering group and plenary meetings that would collectively formulate and implement voluntary commitments. This represented the front stage of policy making, providing an institutional setting in which roles could be performed to an external audience through partnership documents that were publicly accessible via the Department of Health website.

6.4.2 Decision-making in the Food Network

This section explores the decision-making processes within the RDFN that were directed towards collectively drafting a performance standard on calorie reduction (CR). It reconstructs policy making practices using a synthesis of steering group meeting documents, and analysis of documents generated from FOI requests that included sequential drafts of CR commitments and correspondence between FDF officials and DH officials. The findings suggest that informal practices in the back stage of decision-making subverted the public aims of this meta-regulatory framework.

Front stage decision-making

At the first meeting of the RDFN, a *future work* discussion paper stated that policy discussions would focus on collectively drafting a CR 'pledge', framed in the document as 'having the potential to deliver real public health benefits in a way that draws public attention to the industry contribution' (Department of Health 2011c). In the discourse of the Responsibility Deal, the language of pledge-making referred to internal (individual pledges) and sectoral (collective pledges) commitments that industry actors could make in support of the Responsibility Deal. As Table 6.1 (below) outlines, the notion of an individual pledge incentivised companies to adopt internal performance standards and

codes of conduct. By contrast, a collective pledge required the RDFN to reach a binding decision among participants, which included representatives from public health organisations (CRUK and FPH), trade associations (such as the FDF), and individual companies (Mars UK and Tesco).

Table 6.1 The definition of individual and collective pledges as framed in the RD policy statement

Individual pledges	[…] are specific to a particular organisation or sub-group within a sector, and have been developed by them and approved by the relevant network chairs and the Department of Health. Making an individual pledge gives an organisation the opportunity to demonstrate where they can be leaders in their sector by going further than collective action can at present, or to make a commitment in an area where collective action is not appropriate
Collective pledges	[…] represent the collectively agreed action that members of a given sector will take in support of a particular core commitment. All partners have signed up to deliver at least one of the collective pledges – some have signed up to many more. These pledges have been designed and developed by the networks, and approved by the relevant network chairs and the department of Health

Source: (Department of Health 2011a: 5)

The attempt to design a flexible model of meta-regulation rather than structure decision-making according to pre-given rules or standards, is captured in the following interview quotations:

> Public health advocate: 'The high-level view was that [the Coalition government] were not going to use regulation and legislation as a policy instrument - you were going to use voluntary agreements. What those voluntary agreements were was up for discussion, but because they were voluntary, they were by necessity only going to be undertaken by the food industry if they felt it was in their interests to do so. And I think that's [pause] I'm not criticising them for that. That's how companies are set up; they are set up to act in their own interest'.
>
> Public health advocate: '[…] it was almost, 'OK, what do we want to do, and what can industry agree to do' […] I think that shifted to some extent as the Responsibility Deal evolved, but it was certainly the case that it wasn't so much the government saying, 'this is what we want you to do and you're going to do it'.

The above extracts demonstrate there is a clear assumption that industry actors had significant influence in front stage decision-making. Indeed, both interviewees appear to position industry as exercising a veto on policies that did not align with their political or economic strategies. Yet, as the following sub-section unpacks, corporate influence was exercised in back stage policy making.

6.4.3 Back stage deals: reconstructing the drafting process

The indicative timeline for implementing the CR pledge, as set out in the *future work* paper, was to announce this work in May 2011 and launch the pledge in Spring 2012. In the context of governmental strategies to displace accountability to the market, coordinative and time pressures appear to have been purposeful tactics in creating external pressures to reach a collective agreement.

As discussed in the previous chapter, the institutional design of the RD was based on reputation-based accountability mechanisms that was assumed would create incentives for industry actors to agree 'practical actions'. However, the development of this pledge reveals the rhetoric-reality gap between deliberative ideals and back stage deals.

As a key agenda item of the second meeting of RDFN in June 2011, proposals for the development of a CR pledge were discussed among attendees. This discussion was contextualised by an expert report prepared by the Carbohydrates Working Group of the Scientific Advisory Committee on Nutrition (SACN)[8]. A paper on the proposed work programme also framed the pledge as an opportunity for the food industry to work with the DH secretariat. Specifically, both the SACN report and work programme discussion paper underline the collective role of the food industry in reducing calorie intake at the population level. This is illustrated in the following extract from the discussion paper:

[8] The Scientific Advisory Committee on Nutrition (SACN) is an advisory committee set up to provide scientific advice on, and risk assessment of, nutrition and health related issues. It advises the governments of all UK countries and is supported by a Public Health England (an executive agency of the Department of Health) secretariat.

> [RDFN 2]: […] information to consumers will only ever be fully effective in helping individuals to reduce calorie intake if they are complemented by new far-reaching action by business […] in simple terms, 'supply-side action' refers to measures by business that enables individuals to reduce their calorie intake without needing to make dramatic, or sometimes even conscious changes to their dietary habits'.

It is important to note that, in framing calorie intake in terms of 'upstream' (as opposed to downstream individual-level) drivers, these documents located responsibility with food industry actors as 'fixers' of the problem. In other words, this framing categorized industry practices (and not individual 'lifestyle choice') as the dimension that the pledge *ought* to focus on. This is a critical point, as this framed the work of RDFN as structured by a focus on market strategies, such as marketing practices and the manufacture of HFSS products. Following the second RDFN meeting, the DH Secretariat circulated a pledge outline that framed the substantive policy issue and corresponding responsibilities of the food industry. The proposed wording of the pledge was:

> [Food Network 3]: 'We recognise the need to reduce the population's calorie intake by 5 billion calories (kcal) per day. We will encourage *our customers* to eat and drink fewer calories through actions such as product reformulation, portion control, and *actions to shift the balance of promotions toward lower calorie options.* We will monitor and report on our progress on an annual basis'.
>
> [Original emphasis]

This draft developed the idea that the food industry *ought* to be assigned responsibility for population-level drivers of obesity, underlining marketing practices and reformulation as areas for collective agreement. Yet, as this discussion paper states, revisions had already been made to the pledge outline, indicated in italics (see above). For example, the paper notes that 'responsible promotions' had been revised to 'actions to shift the balance of promotions toward lower calorie options' in response to feedback received by the DH Secretariat between June – September 2011. In addition, a proposed set of 'supporting principles' – a formal set of norms and practices to guide industry activities – had also been substantively revised. This included the deletion of a specification for supply-side commitments to have a population-level impact. Table 6.2 comparatively summarises the substantive changes made to supporting principles in the three-month period between the second and third

RDFN meetings. Text in **bold** represents supporting principles that were deleted between June – September, and text that is underlined represents principles that were added during this period.

Table 6.2 Revisions made to supporting principles between June – September RDFN meetings

RDFN Meeting 2 [June]	1. Should be new or significantly enhance existing activity. **2. Should preserve or improve overall nutritional profile** **3. Should not contribute to inequalities** 4. Should be **typically** long term and sustained, **unless part of a planned pilot** 5. Should be carried out on a sufficient scale to make **population-level impact (e.g. should not be so small as to invite criticism or ridicule)** **6. Should complement and not substitute for a collective pledge** 7. Should be developed in a way **which is responsible and seeks to avoid potential for perverse consequences**
RDFN Meeting 3 [September]	1. Should be new or significantly enhance existing activity 2. Should *reduce where possible* the salt, saturated fat or sugar (NMES) content of the product 3. Should seek to deliver long term and sustained progress 4. Should be carried out on a sufficient scale to make a significant impact 5. Should be developed in way that embraces the spirit of the Responsibility Deal to improve public health and seeks to avoid the potential for unintended consequences, including the likelihood of exacerbating health inequalities

Source: (Department of Health 2011d, 2011f)

The discussion paper notes that the pledge outline had been circulated to RDFN members for comments on 10th August. Email correspondence, accessed via an FOI request for feedback received by the DH Secretariat, reveals that substantive changes were made by both public health organisations and individual companies. For example, feedback from CRUK suggested replacing 'people' with 'our customers' as a means of framing the pledge to resonate with the food industry. It is also clear from industry feedback that there was an issue with the framing of industry commitments as *new* activities. This is highlighted in the feedback from Mars UK, which underlines a concern with 'the specific emphasis on "new" activities', given what it claims are 'incredibly complex' challenges to reformulating products and 'changes' to calorie content. Perhaps the most significant feedback was received from the FDF, which was received by the DH Secretariat a week before the third RDFN meeting on 14th September

(and approximately two weeks later than feedback from other RDFN members). In an email sent to the Secretariat dated 8th September, the FDF Director General (DG) emphasised 'significant concerns about the draft pledge and supporting principles as they stand'. While the email was framed in a way that underlined the corporate social responsibility of FDF members and a collective ethos of partnership working, it signalled strong industry opposition to the pledge outline and supporting principles. These concerns are illustrated in the following email extract:

> [FDF email 1]: 'Ultimately, progress in this area will only be made if individuals achieve an appropriate calorie balance (and many of our members feel, notwithstanding their responsibility to make a contribution, that the challenge needs to be rooted in calorie balance rather than focusing solely on calorie reduction). A focus on the responsibility of the individual must be at the heart of the calorie reduction challenge and embedded into supporting action and pledges responding to the challenge'.

This attempt to reframe the pledge toward the 'lifestyle choice' of individuals, captures the evident concern within the FDF that companies could be expected to implement voluntary mechanisms that placed limits on their core business model (increasing consumption of processed foods). Table 6.2 illustrates the concerns of FDF members (which include transnational companies such as Coca-Cola, Kellogg's, Mondelez, Pepsico and Unilever), highlighting specific comments relating to the pledge outline and supporting principles. This highlights opposition to the 5 billion target for calorie reduction, and issues with the phrasing of supporting principles. For example, feedback on the pledge outline suggests that FDF members were not supportive of proactively *encouraging* consumers to eat less processed food, which it is claimed would limit growth strategies. All this suggests that collective agreement would not be reached between the DH Secretariat and FDF based on the first draft of the CR pledge.

It is important to note that the concerns articulated by FDF and Mars UK did not translate into substantive revisions in the short-term. Indeed, the pledge outline remained substantively unchanged in documents circulated at the third RDFN meeting in September 2011. This meeting was marked by the attendance of Andrew Lansley, the Secretary of State for Health, who joined the meeting to

persuade the food industry to consider supply-side actions. As Lansley stated, the pledge was 'not simply about having lower calorie options, but was instead about shifting the whole offering in a healthier direction'.

Table 6.3 FDF feedback to DH Secretariat regarding pledge outline and supporting principles

Scientific underpinning	'Members believe that the evidence underpinning the calorie challenge should be made clearer – both in terms of the 5 billion calories headline and the emphasis on calories in as apparently a more significant factor than calories out […]'
Pledge outline	'Some members also pointed out where they may be constrained in what they could offer in terms of calorie reduction, they would wish to consider contributing in other ways e.g. promoting physical activity.' In general, members were uncomfortable with the use of the word 'encourage' which appeared to suggest that companies would be expected to tell consumers to eat less of their products.'
Supporting principles	
2. Should not increase the salt, saturated fat or sugar (NMES) content of the product	'Members reiterated that product reformulation will not necessarily result in a reduction in calories. Neither salt nor saturated fat reduction are linked to calorie reduction […] the Department needs to be clear about prioritisation and recognise that businesses also need both to prioritise investment, and to manage consumer acceptance of reformulation over time.
3. Should seek to deliver long term and sustained changes 4. Should be carried out on a sufficient scale to make a significant public health impact	'Members felt that these principles were unhelpful as drafted […] they also send the wrong message to larger businesses and may prevent them taking part – for example, small changes may have a significant public health impact

Source: FOI request for documents relating to development of Calorie Reduction pledge [see Appendix IV]

There are two aspects of the decision-making process that are important to note. First, it is clear the front stage setting of face-to-face RDFN meetings was facilitated by informal back stage negotiations. This is apparent in the circulation by the DH Secretariat of a pledge outline with the aim of receiving feedback in advance of the third RDFN meeting in September. Moreover, this informal back

stage was a purposeful feature of the RDFN institutional design, in which the proposed terms of reference explicitly referred to electronic communications as a key channel of access to DH officials. This was conceptualised as an 'e-Food Network' that was described in this document as having a 'key role in ensuring that the widest possible range of players […] are able to take part in the work of the RDFN. In other words, back stage negotiations were formally sanctioned by the DH Secretariat. This notion draws on the framework adopted by Tatenhove *et al* (2006), which distinguish between a formally sanctioned back stage, and sub-politics that deliberately attempt to subvert formal rules. While the notion of formally sanctioned back stage may appear paradoxical (Tatenhove et al 2006), this describes informal practices that are not codified in formal rules but are initiated by formal institutions. In this instance, back stage decision-making was a feature of the institutional design of the RDFN. This is illustrated in the following extract from the *terms of reference* document:

> [RDFN 1]: To maximise dissemination of information about participation and engagement in the Network's activities, it is suggested that these *formal arrangements are supplemented by*:
>
> - Increased communication in the form of regular, usually monthly, stakeholder bulletins within and beyond the e-Food Network […];
> - The opportunity for the wider Network to communicate with the various groups via a single Food Network mailbox: foodnetwork@dh.gsi.gov.uk
> - Additional interfaces managed by DH officials to facilitate discussion and commitment to individual pledges […]
>
> [My emphasis]

As highlighted above, the use of email is framed as a complement to formal governing arrangements, helping to facilitate discussion between the DH Secretariat and network members. Second, it appears that the Secretary of State for Health believed that a hands-on approach to metagovernance would persuade industry actors to, in his words, 'turn towards delivery' of the pledge (Department of Health 2011e). As stated in the action note for the September RDFN meeting, this was to be achieved through further bilateral discussions, which, as discussed in this sub-section, was taking place in the back stage of email discussions. Despite this optimism, this meeting marked something of a watershed in the decision-making process.

Industry influence in back stage negotiations

Following these preliminary interactions between the DH Secretariat and the FDF, back stage negotiations became increasingly fraught in the period between October 2011 – February 2012. While it is beyond the scope of this research to explore the potentially divergent positions of industry actors, the FDF emails provide an indication of corporate influence in back stage processes. This sub-section explores the interplay between front and back stage decision-making in the lead up to the launch of a pledge on CR.

In an email to the DH Secretariat on 21st October, the FDF DG emphasised 'fundamental issues' that would preclude engagement in pledge implementation. This email stated that it was 'not offering draft suggestions at this stage' due to the claimed opposition of its members to the pledge outline and supporting principles. This email notes the constructive tone of a bilateral meeting (back stage) convened with DH officials, but reiterates strong criticism of the draft:

> [FDF email 2]: 'Our understanding was that the Department of Health was keen to encourage a broad base of contributions from across the industry […] But to mandate which types of activities are deemed acceptable or to exclude actions such as extending consumer choice by offering lower calorie options appears to us both wholly counter-productive to run counter to the principle of personal responsibility which we understand to be at the heart of the Government's approach'.

This email reiterates the policy position that responsibility should be located with individuals for 'lifestyle choice', which attempted to reframe policy discussions away from supply-side practices employed by processed food companies to sell their products. Moreover, this personal responsibility frame was used as a justification for rejecting the pledge in its current form. This discourse is made explicit in later sections of the email:

> [FDF email 2]: 'Our understanding is that the aim of the pledge is to provide a framework for contributions from the food industry as one part of the response to a broad-based calorie challenge. The ultimate aim, of course, of the calorie reduction challenge is a net reduction in the number of calories consumed by individuals and this is not something industry can deliver'.

> Whilst we are supportive of a calorie reduction pledge, we would have fundamental difficulty with any proposition that appears to require business to inhibit their commercial strategies for growth […] when we met you said that this was not the Department's intention and that you would produce wording that made this clear'.

The above email extracts capture the interplay between front stage policy discussions about the legitimate aims of a pledge on calorie reduction, and a back stage of bilateral meetings and email communication in which DH officials are claimed to have committed to rephrasing the pledge in response to industry feedback. At the fourth RDFN meeting in November, the DH Secretariat circulated a *precis* of the decision-making process. This updated the 'state of play on calorie reduction', stating that it was important to reach a collectively binding decision and 'resolve remaining issues on the wording of the pledge' through further negotiations with trade associations and companies. It is also noted in the action note for this meeting that a revised pledge outline was to be distributed to network members for feedback and comments. This was a significant juncture in the decision-making process, indicating a tacit acknowledgment from the DH Secretariat that reaching collective agreement would require concessions in terms of the rules and discourses of the pledge.

A revised pledge outline was circulated to network members on 3rd October. This included revisions to supporting principles made in the period between the September RDFN meeting. Crucially, the first principle (that actions should be new or significantly enhance activity) had been deleted. Although it proved impossible to locate when this decision was made, this reproduced the framing evident in feedback from Mars UK (see above) relating to the apparent complexity of reformulating HFSS products. While this deletion marked an important step in industry attempts to minimise discourses that were perceived as threatening market strategies for growth, the circulation of this pledge outline provided an opportunity for industry actors to lobby for substantive and far reaching revisions. As Table 6.4 summarises, supporting principles were recontextualised between October – February.

Table 6.4 Revisions to supporting principles, October 2011 – February 2012

November	1. Seek to deliver long-term and sustained changes in energy intake **2. be carried out on a sufficient scale to make a significant impact on energy intake** Seek to deliver [or builds up to] action [which seeks to deliver change] on a scale commensurate with the scale of the calorie reduction challenge, taking account of the size of the business' operations [and technical constraints / possibilities] 3. Be developed in a way which embraces the spirit of the Responsibility Deal to improve public health and seeks to avoid the potential for unintended consequences, including the likelihood of exacerbating health inequalities 4. Additionally reduce where possible the salt, saturated fat **or sugar (NMES)** content of the product
January	1. Seek to deliver long-term and sustained changes in energy intake 2. Include measures linked as closely as possible to the company's core business 3. Be developed in a way that embraces the spirit of the Responsibility Deal to improve public health and seeks to avoid the potential for unintended consequences, including the likelihood of exacerbating health inequalities 4. Additionally, reduce, where possible, the salt and/or saturated fat content of the product
January [2nd draft]	1. Seek to deliver long-term and sustained reductions in energy intake 2. Include measures linked as **closely as possible** to the company's core business 3. Be developed in a way that embraces the spirit of the Responsibility Deal to improve public health and seeks to avoid the potential for unintended consequences, including the likelihood of exacerbating health inequalities 4. **Additionally**~~,~~ not conflict with, and if possible work to reduce the salt and/or saturated fat content of the product
February	1. Seek to deliver long-term and sustained reductions in energy intake 2. Include measures linked to the company's core business 3. Be developed in a way which embraces the spirit of the Responsibility Deal to improve public health and seeks to avoid the potential for unintended consequences, including the likelihood of exacerbating health inequalities 4. Not conflict with, and if possible support work to reduce the salt and / or saturated fat content of products.

Source: FOI request for documents relating to development of Calorie Reduction pledge [see Appendix IV]

The scale and scope of the revisions made to supporting principles underlines two aspects of the decision-making process. First, it is evident from the scale of (re)contextualisation that the DH Secretariat were willing to reassess the rationale of the pledge in order to reach a collectively binding decision. For example, the principle that voluntary commitments should be 'carried out on a sufficient scale' was deleted, despite how crucial this external standard was for the stated aim of reducing population-level calorie intake through addressing

'upstream' drivers of obesity. Similarly, the underlined text in Table 6.4 illustrates the recontextualisation of principles to embed interpretive flexibility, such as the substitution of a commitment to reduce salt and saturated fat content, with the possibility of supporting reformulation where possible. Second, this recontextualisation illustrates the extent to which revisions aligned with (although not limited to) the feedback received from the FDF. This is particularly evident in the deletion of language that required voluntary commitments to be closely linked to the company's core business, which aligns with FDF opposition to policies that threaten to inhibit the commercial strategies for growth of its members.

This pattern was also evident in the recontextualisation of the pledge outline, summarised in Table 6.5. For example, the commitment to reduce population-level calorie intake by 5 billion calories per day, is reframed to attribute responsibility to individuals. This is a subtle change in framing, but has the discursive impact of minimising the contribution of industry actors. As discussed above, these revisions are closely linked to FDF feedback, which stated that the calorie reduction challenge (as framed in August 2011) was 'not something industry can deliver'.

The implications of this subtle reframing are apparent in other areas of the pledge outline, such as deleted references to promotion and the addition of education and information as a performance standard that industry actors should adopt. Moreover, as Table 6.6 illustrates, this framing was reproduced in the *first draft* of a subsequent pledge on saturated fat reduction (***purple italics*** is utilised to highlight identical words/phrasing). This implies that, in shaping the policy on calorie reduction, industry actors constituted the rules of the game structuring voluntary commitments more broadly. The outcome of decision-making therefore had the effect of institutionalising a discursive path dependency (Hay 2016), in which industry interests were promoted through the reproduction of this pledge template. These discourses, then, became path dependent through their continual circulation (Smith 2013b).

Table 6.5 Revision to pledge outline, October 2011 – January 2012

November	**We recognise the need to reduce the population's energy intake by 5 billion calories (kcal) per day**. We recognise the need to assist the population to reduce its energy intake by 5 billion calories (kcal) per day. We will encourage and enable our customers to eat and drink fewer calories through actions such as product / menu reformulation, portion control, and actions to shift the balance of **promotions**–the marketing mix toward lower calorie options. We will monitor and report on our progress on an annual basis.
January	We recognise the need to assist the population to reduce its energy intake by 5 billion calories (kcal) per day. We will support and enable our customers to eat and drink fewer calories through actions such as product / menu reformulation, portion control, and actions to shift the marketing mix toward lower calorie options. We will monitor and report on our progress on an annual basis.
January [2nd draft]	Recognising that the Call to Action on obesity in England set out the importance of action on obesity, and issued a challenge to the population to reduce its total calorie consumption by 5 billion calories (kcal) per day, we will support and enable our customers to eat and drink fewer calories through actions such as product / menu reformulation, reviewing portion sizes, education and information, and actions to shift the marketing mix towards lower calorie options. We will monitor and report on our actions on an annual basis.

Source: FOI request for documents relating to development of Calorie Reduction pledge [see Appendix IV]

Table 6.6 Illustrative example of discursive path dependence: the phrasing of collective pledges on calorie reduction and saturated fat reduction

Calorie Reduction	We will support and enable our customers to eat and drink fewer calories through actions such as product / menu reformulation, reviewing portion sizes, education and information, and actions to shift the marketing mix towards lower calorie options. We will monitor and report on our actions on an annual basis.
Saturated Fat	***We will support and enable*** people to consume less saturated fat ***through actions such as product / menu reformulation, reviewing portion sizes, education and information*** incentivising consumers to choose healthier options. ***We will monitor and report on our actions on an annual basis***. Progress in reducing people's saturated fat intakes will be measured via the National Diet and Nutrition Survey.

Source: (Department of Health 2013)

Moreover, a large volume of this recontextualisation occurred over a four-month period between RDFN meetings in November 2011 and February 2012. As Table 6.4 and 6.5 summarise, the pledge outline and supporting principles were significantly reworked in two drafts over the course of January. In other words, key decisions were taken in the back stage of informal governance arrangements. This sentiment is illustrated in the following quotations from public health advocates involved in decision-making processes:

> Public health advocate: 'We had our doubts about the process […] but we decided to go along to discussions with an open mind. We were really disappointed to learn that the majority of voluntary pledges and framework for partnership with industry had already been decided before we met. We didn't feel that it was a pure collaborative approach or operating under rules of good governance. We weren't really being engaged, we were being invited to *rubberstamp* something'
>
> Public health advocate: 'So, you know, I can't say how things were affected in *closed meetings* but the person from Mars who was on the Food Network Steering Group [pause] I mean, she was a very, very senior Mars person. They were throwing their big guns at this. They weren't sending their director of policy, they were sending their equivalent of a Chief Exec [sic]'.
>
> [My emphasis]

The above extracts illustrate a widespread view among public health advocate interviewees, that the *real* decisions were made in a closed back stage. This is captured in the perception that the formal setting face-to-face meetings simply functioned to rubberstamp policy decisions that had been reached through bilateral negotiations with industry actors. All this suggests that the deliberative ideas expressed in policy statements and working papers had not been translated into practice. Instead, informal governance arrangements were used by industry actors to subvert the aims of the CR pledge. This argument is developed in the following sub-section, which explores parallel negotiations over information reporting mechanisms.

6.5 Multiple accountabilities: negotiating the RDFN monitoring framework

The issue of how voluntary commitments should be monitored was a key agenda item at the PG meeting in September 2010, at which it was agreed that it was crucial to have a monitoring framework in place to demonstrate the policy effectiveness of the Responsibility Deal. A working paper on monitoring and evaluation was circulated to PG members for discussion at the third meeting in January 2011. This document posed the rhetorical question of why the RD needed a monitoring framework:

> [PG 3]: 'Monitoring is key to establishing accountability, mapping progress and confirming that actions organisations have pledged to take have been completed. It also has an important role to play in communicating achievements to the public and interested stakeholders'.

This highlights the crucial role of information reporting, which, as discussed in Chapter 5, was a core feature of the institutional design of the RD. Perhaps unsurprisingly, this was also a feature of policy discussions in the RDFN, where monitoring requirements were discussed as part of negotiations over the CR pledge. As described in the previous section, a discussion paper circulated at the third RDFN meeting in September 2011 provided a pledge outline and supporting principles, but also included a draft monitoring framework. The quantitative section of this framework is reproduced in Figure 6.1. Importantly, this draft framework, which built on a stakeholder workshop in April, included performance standards for: the percentage of reformulated products; percentage of products that have reduced portion size; and the proportion of overall marketing budget allocated to encourage consumers to eat and drink fewer calories. This performance information was consistent with the stated aim of the pledge to reduce population level intake through supply-side action.

Given that FDF feedback indicated a strong opposition among its members to a calorie reduction target, it is perhaps unsurprising that comments received by the DH Secretariat outlined concerns with quantitative information reporting. For example:

[FDF email 2]: […] We have made this point before – which I know you understand – that often quantitative data in this area will be commercially sensitive. For instance it is unrealistic to expect companies to disclose their marketing budgets or strategies in the promotion sub-section. If companies are prepared to share information with DH on changes to promotional activity then they would be more likely to do so in Section C which captures qualitative information […] Companies will also be nervous about answering the second and third parts of the New Product Development sub-section on replacement products as these could provide clues to competitors on their marketing strategies. Similarly, companies are reluctant to declare the direction and focus of their research and development budgets

Section B – Progress Update: Quantitative

1) Please indicate which of the following activities have been undertaken in the past year to encourage consumers to eat and drink fewer calories.

☐ Reformulation
☐ Portion Size
☐ Promotion
☐ New product development
☐ Other, please list activities (300 character limit, further detail can be provided in section c)

2) For each of the activities specified above, please provide the following information in relation to calorie reduction work over the last year:

There is a 50-character limit per answer box except case study boxes where there is a 300-character limit.

- Reformulation

Number or percentage of products* that have been reformulated.	No. of products or % of products
In recognition of lead in times and the need to work within reformulation cycles, is there any ongoing or future work that is yet to be completed.	☐ Yes ☐ No

*Product(s) = refers to product types, menu items or individual SKUs. Please indicate which measure has been used by deleting the following as appropriate (product type/menu item/SKU)

- Portion size

Number or percentage of products[1] that have had a portion size reduction where the previous portion size is no longer on sale.	No. of products or % of products
Number or percentage of products[1] where a new portion size has been introduced to the market.	No. of products or % of products

- Promotion

How many promotional activities have been undertaken to encourage consumers to eat and drink fewer calories?	
If applicable, what proportion of your overall marketing budget has been spent to encourage consumers to eat and drink fewer calories? (If it is not possible to disaggregate a figure for the calorie reduction pledge alone please provide % for all work under the Responsibility Deal)	

- New product development

Number or percentage of new products[1] that have brought out to encourage consumers to eat	No. of products or

Figure 6.1 Monitoring framework circulated to RDFN [September 2011]

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☐Portion Size
☐Promotion
☐New product development
☐Other, please list activities ——— (300 character limit, further detail can be provided in section c)

2) For each of the activities specified above, please provide the following information in relation to calorie reduction work over the last year:

There is a 50-character limit per answer box except case study boxes where there is a 300-character limit.

- Reformulation

Number or percentage of product(s)/ menu item(s)/ stock keeping unit(s)* that have been reformulated.	——— No. or ——— %
In recognition of lead in times and the need to work within reformulation cycles, is there any ongoing or future work that is yet to be completed.	☐ Yes ☐ No

*delete as applicable

- Portion size

Number or percentage of product(s)/ menu item(s)/ stock keeping unit(s)* that have had a portion size reduction where the previous portion size is no longer on sale.	——— No. or ——— %
Number or percentage of product(s)/ menu item(s)/ stock keeping unit(s)* where a new portion size has been introduced to the market.	——— No. or ——— %

*delete as applicable

- Promotion

How many promotional activities have been undertaken to encourage consumers to eat and drink fewer calories?	———
If applicable, what proportion of your overall marketing budget has been spent to encourage consumers to eat and drink fewer calories? (If it is not possible to disaggregate a figure for the calorie reduction pledge alone please provide % for all work under the Responsibility Deal)	———

*delete as applicable

- New product development

Number or percentage of new product(s)/ menu item(s)/ stock keeping unit(s)* brought out to encourage consumers to eat and drink fewer calories.	——— No. or ——— %
Are the above designed to replace any existing product(s)/ menu item(s)/ stock keeping unit(s)?*	☐Yes ☐No
Have promotion activities taken place to shift	☐Yes

development should be read accordingly for each sector. The commentary box overleaf provides space for any further explanation of data presented.

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Section B – Progress Update: Quantitative

About Section B
This section includes a series of quantitative measures that are intended to map partners' progress on delivering against the pledge. Partners will provide information against each of the measures as indicated. Partners will be asked to return this section to the Department of Health by the **end of April each year**. Partners will be asked to provide their most up-to-date information and to make clear the period to which their information applies.

All of the information provided here will be published on the Responsibility Deal website.

Please list the calorie reduction activities undertaken (e.g. product/ menu reformulation, portion size control, promotion, new product development) and provide quantitative data enabling the general reader to understand the scale of the activity undertaken relative to the calorie reduction challenge and the size of the business' operations. Some examples are given below as a guide.

Please indicate whether the expected outputs (from section A) have been achieved. Quantification of the impact of the work captured above would be helpful, where possible.

Example 1. Product/ menu reformulation: this could be presented as the number or percentage of product(s)/ menu item(s)/ stock keeping unit(s) that have been reformulated, or as a percentage of sales.

Example 2. Portion size control: this could be presented as the number or percentage of product(s)/ menu item(s)/ stock keeping unit(s) that have had a portion size reduction where the previous portion size is no longer on sale, and separately the number or percentage of product(s)/ menu item(s)/ stock keeping unit(s) where a new portion size has been introduced to the market.

Example 3. New product development: this could be presented as the number or percentage of new product(s)/ menu item(s)/ stock keeping unit(s) brought out to encourage consumers to eat and drink fewer calories. It would also be helpful to indicate if these replace any existing product(s)/ menu item(s)/ stock keeping unit(s).*

1) Please indicate which of the following activities have been undertaken in the past year to encourage and enable consumers to eat and drink fewer calories.

☐Reformulation‡

‡ The following data are requested in terms of product(s), menu item(s) and stock keeping units (SKUs) to be deleted as appropriate. References to reformulation and new product

Figure 6.2 Monitoring framework circulated to RDFN [November 2011]

Source: FOI request for documents relating to development of Calorie Reduction pledge [see Appendix IV]

This opposition to quantitative performance standards was also emphasised in feedback from Mars UK in August 2011, which framed quantitative reporting as an additional hurdle for reformulation work. For example:

> [Mars UK email]: 'We believe that the 5 billion calorie reduction can be measured across the industry as a whole and the Government will be able to highlight strong case studies in its annual reports. As a company, Mars will undoubtedly be able to contribute *strong stories* to those case studies. However, the Government should avoid trying to take a brand by brand or company by company approach to calorie reduction in its annual reporting […]

The feedback from both FDF and Mars UK underline that mandated quantitative performance standards received limited support from industry actors, in which a strong preference was expressed for narrative forms of information reporting. While it is difficult to reconstruct when the decision was made, Figure 6.2 reproduces the draft monitoring framework that was circulated to network members in November. As the Figure highlights, the template was substantively revised, with ~~strikethrough~~ used by the DH Secretariat to highlight the quantitative performance standards that had been deleted from the monitoring framework. This draft also removed text that framed the aim of the CR pledge to implement ~~a net reduction in calories per capita sold in aggregate~~. This recontextualisation shifted information reporting to much less stringent qualitative standards, which asked industry actors to submit a narrative summary of progress. This was crucial in altering the rules of the game, destabilizing the design of accountability mechanisms based on information transparency. While it is difficult to reconstruct the decision-making process, revisions to the monitoring framework aligned with the preferences of industry actors as stated in the back stage of communications with the DH Secretariat.

The removal of quantitative standards also captures practices that embodied distinct dimensions of accountability, and is perhaps the most obvious instance of MAD (Koppell 2005). On the one hand, civil servants described stakeholder responsiveness as intrinsic to partnership working, in which industry actors *ought* to be involved in policy formulation. It is also worth noting that interviewees frequently indicated that a consensus decision had to be reached with industry actors. For example:

> Mid-ranking civil servant: 'What we were asking them [industry] is, 'how are we going to do this? And how are we going to do it?'. If you've got a voluntary mechanism and industry have to buy into it, there's no point in just saying 'do this' […] Nobody would ever suggest that in a voluntary scheme that you can do it without negotiation'.

As the above quotation highlights, the design of the RDFN institutionalised discursive practices that embedded a requirement to reach consensus with industry actors. On the other hand, this image of accountability appears to have subverted the operationalization of accountability *mechanisms* that were framed as central to the institutional design of the RD. The tensions between these dimensions of partnership working resembled something akin to Koppell's (2005: 99) image of a 'bureaucratic game of twister' in which civil servants were expected to reconcile demands of governing meta-regulation and co-constructing policy with the food industry. As discussed in the previous chapter, the interview data implies that the monitoring framework was constructed to avoid being prescriptive. However, this seems to understate the explicit aim of this pledge to reduce population-level calorie intake and the performance standards that were drafted to achieve this policy objective. Moreover, this in-depth process tracing of decision-making in the RDFN demonstrates that DH officials responded to industry concerns in an informal back stage of decision-making. It is this reliance on back stage negotiations that the final section of the chapter explores in greater detail.

6.6 Implications for partnership working

This chapter has demonstrated that key decisions were made in an informal back stage. It argues that the output of the RDFN shifted away from the rhetoric of population-level interventions, towards policies that aligned with the stated preferences of industry actors. This section argues that an over-reliance on back stage negotiations undermined the RD in two central dimensions: the assumption that partnership working would produce effective policies; and discourses that decision-making would embody deliberative ideals.

First, the rationale for the RD was that it would agree practical actions more efficiently than would otherwise be possible using traditional forms of regulation.

Yet, the analysis of this chapter suggests that negotiations drifted towards lowest common denominator collective agreements that contradicted and subverted the policy objectives framed in policy statements and working papers. This is illustrated in the following quotation, in which the interviewee questioned the policy effectiveness of voluntary commitments:

> Public health advocate: 'Overall, I think there was, I suppose, two issues. [First] what you ended up with was pledges that were often very vague and wish-washy and didn't mean anything, because they were the only ones that industry would agree to. [Second] The calorie [reduction] pledge was a particular example of [pause] just a very broad [commitment] to reduce calories, and so you ended up with some commitments that would be quite specific about reducing fat and sugar, and others that would just state that they were going to do some kind of education initiative'.

This illustrates there is a clear assumption that consensus on this pledge could only be reached through the DH making substantive changes to the scope and aims of voluntary commitments. Moreover, it is implied that industry actors used a *de facto* veto over decision-making to block proposals that threatened their growth strategies. For many this process involved, as one interviewee put it, a high degree of coordination across the food industry to block RDFN policies. All this suggests that back stage processes functioned as an informal governance space that aimed to 'escape deadlock' (Héritier 1999). Yet, this political impasse could only be broken through back stage processes that undermined the front stage public health aims of the RDFN. Indeed, the empirical case studies provide no evidence to support the notion that back stage policy making was marked by phases of bargaining or compromise from industry actors. In contrast, informal practices embodied many of the tensions and contradictions of partnership working, in which the rules of the game were re-shaped to reach a collectively binding agreement. In practice, agreeing practical actions meant subverting public health objectives to avoid confrontation with the food industry. This dynamic is nicely captured in the following extract, take from an interview with a public health advocate involved in decision-making:

> Public health advocate: 'There was a closeness as a consequence of the Responsibility Deal, but that almost wasn't intentional on the part of some officials and maybe even some Ministers [because] they wanted it to be seen as a success. But, you're getting industry [involved] and it was that initial framing that I felt uncomfortable about, you know,

> bringing them to the table. But what could you do? I think that's just the wrong starting point for the conversation […] the starting point should have been an ambition to reduce population-level consumption […]'

Like the above interviewee, many public health advocates and academic researchers linked the limited policy effectiveness of the RDFN to the construction of industry actors as co-producers of policy. Yet, as the interviewee notes, this institutional design created a dynamic in which the DH relied on collective agreement to demonstrate the 'success' of the RD. As one academic researcher observed during an interview, this institutionalised a dynamic in which 'partnership is an end in itself and doesn't necessarily produce good [public] health outcomes'.

Second, the over-reliance on back stage politics produced a paradoxical situation, in which deliberative ideals were not institutionalised in discursive practice. While policy statements framed partnership working as producing informed rational decisions that included affected interests, the interview data consistently reveal a different image of decision-making. For example:

> Public health advocate: 'The Responsibility Deal has been more of a public-private partnership between government and industry – they were the two major actors. NGOs were kind of involved on the periphery, but we weren't actually influential or important to the success of the Responsibility Deal. That was certainly the perception […] they weren't interested in what we had to contribute'.

This illustrates a wider pattern in the interview data that the Coalition government (if not the DH Secretariat) expected NGOs to perform a watchdog function, as outlined in the previous chapter. The consequence of this, as the above quotation illustrates, was the development of decisional processes in which the government and industry engaged in bilateral negotiations. The image that emerges is therefore one that diverges significantly from the deliberative ideals used to justify partnership as an alternative to traditional modes of regulation.

6.7 Conclusion

This chapter argues that informal spaces of governance allowed industry actors to shape the rules of the game in ways that aligned policy aims with their economic interests. It contrasts the framing of partnership working as deliberative and consensus-oriented, with practices that stymied policy effectiveness and excluded public health organisations. While documents framed the design of RDFN as a mechanism to reach consensual agreement, this analysis demonstrates that key decisions were made in informal interaction between the DH Secretariat and industry actors. Overall, the empirical findings of this chapter problematise the image of partnership working as collaborative and consensus-oriented.

First, and conceptually, the institutional design of RDFN is conceptualised as a form of informal governance, defined as 'non-codified settings […] in which decision-making is not structured by pre-given sets of rules or formal institutions' (Tatenhove et al 2006: 14). Two concepts are central to this framework: First, whether informal practices are cooperative or conflicting; and the distinction between a front and back stage of policy making. The second section then introduces Koppell's (2005) notion of multiple accountabilities disorder (MAD) as a lens to explore the pressures faced by policy makers in reconciling multiple dimensions of accountability. Drawing on data from interviews conducted with civil servants, this section argues that assumptions about responsiveness to industry actors appeared to have undergone a process of discursive institutionalisation, becoming embedded in organizational practices (Hajer 2009). However, the interview data also illustrates the perception among interviewees that the RDFN had not been particularly effective in negotiating voluntary agreements with the food industry. The third section attempts to unpack this 'puzzle', using an in-depth reconstruction of the Calorie Reduction (CR) pledge to trace the interplay between front stage steering group meetings and a 'sanctioned' back stage between the DH Secretariat and network members. This reconstructs decisional processes in precise detail, using documents generated from FOI requests and email correspondence between FDF officials and the DH Secretariat, to outline the extent of industry influence over the drafting of this pledge. This analysis demonstrates that back stage

deals between industry actors and the DH subverted policy aims made in the front stage of RDFN meetings. The fourth section develops this analysis further, using an empirical case study of the RDFN monitoring framework to demonstrate how industry actors were able to shape the 'rules of the game'. Moreover, the negotiation of performance standards constitutes the 'bureaucratic game of twister' faced by the DH Secretariat, in which it was expected to reconcile its role as a metagovernor with a responsiveness to industry as rule-makers in decisional processes. The final section discusses the implications for partnership working, highlighting that negotiations drifted towards lowest common denominator solutions that subverted the policy aims of the RDFN. It argues that back stage processes ostensibly functioned as an informal space to break the impasse between the DH and food industry. Yet, it is evident that this 'escape from deadlock' (Héritier 1999) undermined the very public health rationale of the RDFN.

These empirical findings challenge the explicit rationale for the RD, that partnership would generate practical actions that achieved 'more progress, more quickly' (DH 2011: 2). In contrast to the deliberative ideals used to justify partnership as an effective mode of governance, the empirical case studies illustrate key policy decisions being made in the back stage of policy making. These processes not only delayed the implementation of voluntary commitments, but demonstrably show that industry actors blocked progress of policies that threatened their economic interests. Between them, the findings presented in Chapters 5 – 6 challenges key assumptions of both the academic literature on governance networks, but also policy claims made by the Coalition government about what partnership working could achieve in obesity policy. As the following chapter explains, political decision-making in the RD was not restricted to England, but had spillover effects at the devolved level in Scotland.

Chapter 7. The politics of food and obesity policy in Scotland: Scope for divergence?

7.1 Introduction

A central dimension of debates on devolution has been the extent to which this has created the space for policy divergence between the UK government (which also functions as the government of England) and the devolved administrations. Health policy is one of the most significant areas to be devolved (Woods 2004), and has been the focus of analyses of its impact in specific health issues, but also as a high-profile policy area that makes visible broader processes of devolution. To date, analyses have tended to focus on health care policies as resulting in 'policy divergence that matters' (Greer 2008). This assessment of territorial variations in health systems has been used to support the idea of devolution as a 'policy laboratory' (Keating, Cairney, and Hepburn 2012) in which political devolution has led to a distinctive 'Scottish policy style' (Keating, Cairney, and Hepburn 2009; Cairney 2008; Greer and Jarman 2008; Mooney, Scott, and Williams 2006; Bradbury and Mitchell 2005). While devolution has been studied through the analytical lens of health care reform (Greer 2004), this has broadened over the past decade to focus on divergence in public health policies (Smith et al. 2009). In relation to unhealthy commodity industries, recent analyses have explored the lobbying strategies of alcohol industry actors in policy debates related to minimum unit pricing (MUP) (Holden and Hawkins 2013; McCambridge, Hawkins, and Holden 2013; Holden, Hawkins, and McCambridge 2012), and the introduction of smoke-free legislation (Cairney 2008). As Smith and Hellowell (2012) suggest, post-devolution approaches to public health are more complex than divergence narratives imply. Notably, while divergence was evident in Scotland in relation to smoke free legislation introduced in 2006, the whole of the UK had implemented similar bans by the July 2007. Yet, in being the first region in the UK to implement smoke-free public places and persisting with MUP despite a protracted legal challenge made by the Scotch Whisky Association (Smith and Collin 2013; Katikireddi et al. 2014), policy makers in Scotland have demonstrated an acceptance of the need for a more interventionist approach in specific areas of health policy that are associated with commercial sector practices.

This chapter explores food and obesity policy as a key issue of public health policy that has received markedly less scholarly attention than post-devolution tobacco and alcohol policy. This draws on an analysis of various texts, including policy statements, discussion papers and minutes of meetings between policy makers and non-state actors, in addition to interviews with civil servants, public health actors and food industry actors. In doing so, it assesses the impact of Machinery of Government (MoG) changes at the devolved level, revisiting policy debates on the re-aggregation of policy functions from the Food Standards Agency (FSA) and the operationalization of partnership between the SNP government and food industry actors. In contrast to post-devolution changes in tobacco and alcohol, approaches in food and obesity policy appear remarkably consistent at UK and devolved level. Taking this 'puzzle' as its starting point, this chapter provides a detailed account of the policy landscape post-2010 that attempts to explain why policy convergence is a more striking feature of obesity policy. This analysis presents a complex picture of policy translation and lesson drawing, in which MoG changes led to institutional divergence in England, but policy convergence in partnership approaches. The key argument of this chapter is that policy developments at the UK administrative level had the effect of restructuring the devolved political context. The consequence of this temporal policy dimension, was that policy makers in Scotland were constrained in pursuing mandated performance standards for HFSS products. Moreover, it is evident that corporate strategies played an important role in creating barriers to policy divergence in both reformulation targets and proposals for a self-regulatory code on marketing practices.

In order to explore these processes, this chapter draws on both the multi-level governance (MLG) perspective and temporal dimensions of political decision-making. As discussed in Chapter 2, the concept of MLG has been used within the political sciences to explore interaction between sub-national, national, and supra-national administrative levels (Hooghe and Marks 2003). In this chapter, MLG is used to conceptualise how the institutionalisation of Type II bodies (that describes task-specific governing arrangements) reduced and restructured policy space at the regional level. More specifically, the analysis draws on Skelcher's (Skelcher 2005) claim that network forms of governance (such as partnerships) are likely to create functional overlaps across administrative

boundaries. This notion of overlap is linked to the 'politics of time' (Pierson 2004), and the implications of timing and sequence in imposing constraints on political decision-making (Dussauge-Laguna 2012; Howlett 2009; Pollitt 2008). This brings together the actor-centredness of MLG and temporal dimensions to explore how corporate actors exploit opportunities for policy influence as they move across traditional spheres of political authority (Fooks et al. 2017). The aim of this chapter is to analyse the transfer of ideas and practices across institutional settings (Coen 2007). As such this analysis draws attention to the role of food industry actors in the transfer of norms and standards (Ladi 2011) across jurisdictional levels. This moves away from the state-centric focus implicit in the concept of centre-periphery policy transfer (Stone 2012). In doing so, it attempts to make a distinctive contribution to the existing literature on post-devolution policy change through a focus on the role of corporate actors in the transnational spread of norms and rules. In addition, this chapter extends the concept of informal governance (Ayres 2017) to the Scottish policy context, while also drawing on the related notion of institutional ambiguity (as discussed in Chapter 2).

The chapter is structured into three substantive parts. The section explores how the dislocation of UK-wide food standards required the creation of a stand-alone public body in Scotland. This conceptualises the transfer of policy functions from the FSA as creating an 'institutional void' (Hajer 2003) in the rules governing food policy that led to a reassessment of the institutional basis of food standards. Importantly, the timescale of this response to this void led to the institutional dislocation of obesity policy that had previously been shared with the FSA (as discussed in Chapter 4). The second section concentrates on partnership working in Scotland. This focuses on interviewee perceptions about the political context, highlighting the overlap of RDFN commitments at the devolved level. This is followed by an analysis of the institutional design of partnership and subsequent lobbying strategies of food industry actors. In particular, the data reveals that trade associations opposed proposals for a meta-regulatory framework of 'mandated' performance standards related to product reformulation (Coglianese and Mendelson 2010). The chapter concludes with an assessment of exploratory discussions between the Scottish government, British Standards Institute, and industry actors around the

development of a voluntary standard on responsible marketing. Drawing on interview data and documents generated using FOI requests, this section argues that the failure to even initiate a *dialogue* with food companies over a self-regulatory code reflects the limits of partnership working over issues in which fundamental tensions exist between profit motive and public health.

7.2 Policy making in an institutional void: Public bodies reform and the design of collaborative spaces

While scholarly research has focused on the impact of the Coalition government's public bodies reform on the sphere of delegated governance (Flinders et al 2014; Durose et al. 2015), less attention has been given to the impact of this reform on policy making at the devolved level. This section draws attention to the 'institutional void' created in the Scottish polity by the Coalition government's transfer of policy functions from the FSA (see Chapter 4).

7.2.1 Devolved policy making in a dislocated polity: The institutional breakdown of the Food Standards Agency

A feature of the Labour government's 'modernising' agenda in its first term was, as discussed in Chapter 4, the delegation of policy functions to the FSA in all four UK regions, which required a Sewel motion that gave Scottish Parliamentary consent for Westminster to legislate in the devolved area of food policy (Cairney & Keating 2004). The UK-wide approach reflected a consensus, noted in *The Food Standards Agency* White Paper (Ministry of Agriculture, Fisheries, and Food 1998), that this policy area should be governed by a common framework of standards (Cairney 2008). This was reflected in the Food Standard Act 1999, which established the FSA on a UK-wide basis. This structure meant that decisions were coordinated across the FSA headquarters and operational centre in England, and regional branches in all three devolved administrations. This could be characterised as a polycentric model of governance in which decisions were made on a UK-basis and codified rules about the collective appointment of the FSA Chair and Deputy Chair by all four administrations. In other words, the FSA reflected an attempt by the Labour government to respond to policy issues that cut across traditional jurisdictional

boundaries, creating a multi-centred institutional framework focused on regulatory harmonization. In Hooghe and Marks' (2003) two-fold typology of MLG, the FSA existed at the boundary between Type I and Type II. An arms-length body with delegated functions in relation to food policy the FSA is clearly a task-specific jurisdiction (Type II). However, the FSA also embodied a durable, UK-wide architecture with linkages to government departments (Type I). This fluid model of governance is crucial to understanding how public bodies reform refracted an 'institutional void' that disrupted the food policy architecture in Scotland.

The view among civil servant interviewees was that the transfer of policy functions to the DH had severely disrupted the multi-level governance of food standards that had been a durable feature of post-devolution policy making. As the following interviewee reflects, the Coalition government's public bodies reform had implications for the fluid governance model that characterized UK food standards:

> Mid-ranking civil servant: 'I think there was maybe an expectation that the devolved countries would follow suit and mirror these changes. And, in fact, that happened to an extent in Wales, with nutritional responsibilities moving [to the Welsh government]. But in Northern Ireland and Scotland, the ministers decided not to make any changes to the FSA. So that was really the start of this divergence in the policy landscape, which we worked with but was never ideal because, for example, we then had a UK Board for the FSA that basically had different responsibilities in different places and I suppose we lost the cohesion of one organisation leading on all these things. That's when some of these responsibilities were returned to ministerial departments at a UK level. That changed the dynamic I suppose from the FSA, which had been a non-ministerial department.'

The above quotation illustrates the process in which the transfer of nutrition policy to the DH appeared to have dislocated the rules and operational routines that glued together decision making across the network of FSA bodies. In other words, interdependencies and institutional linkages in food standards meant that reforms in Westminster restructured the policy domain at the devolved level (Skelcher 2005). As the interviewee describes, the transfer of policy functions under the Coalition government produced divergence across UK administrations with implications for policy coherence. Yet while it is suggested that a voluntary centre-periphery transfer was expected to take place, policy

making in this institutional void did not follow this pattern of *ad hoc* emulation. Instead, the SNP government pursued an approach connected to *negative* lesson drawing (Dolowitz and Marsh 2000).

In contrast with the presumption that 'bureau shuffling' would also take place across devolved administrations, the response of the Scottish government to this emerging institutional void was to explore what a legitimate response to this pressing problem might look like. This process was marked by conditions of *institutional* ambiguity in which there existed no agreed-upon procedures or constitutional rules that predetermined how the Scottish government should respond (Hajer & Versteeg 2005). This could be at least partially attributed to the fact that a Sewel motion had been passed by the Scottish Executive in 1999 that granted the UK government competence in the devolved area of food policy (Cairney and Keating 2004). Consequently, while the Scottish executive (from May 2007, the Scottish government) had the competence to withdraw from this institutional arrangement, this was not used in practice. Accordingly, there were no generally accepted rules according to which political action should proceed.

This institutional arrangement appeared relatively stable until the formation of the Coalition government in 2010, leading to use of MoG as a tool to transfer policy functions from the FSA. In response to this institutional ambiguity, the Scottish government convened an Expert Advisory Group in July 2011 to assess the feasibility of an independent arms-length Food Standards Agency at the devolved level. Chaired by Jim Scudamore, former UK Chief Veterinary Officer and Professor at Liverpool University, the Expert Group published its final report in March 2012. The report recommended that policy functions relating to food safety and nutrition should continue to be delegated at arms-length from central government, particularly given the impact of diet-related ill health in Scotland. Moreover, the majority view among the Expert Group was that an independent body would best serve long-term policy and political interests (Scudamore 2012).

Following the publication of the Scudamore review, a press release issued in June 2012 by the Scottish government detailed that the recommendations of the Expert Group had been accepted. While the introduction of legislation was

delayed by the horsemeat scandal in January 2013, with Scudamore asked to chair an Expert Group exploring issues of food safety, the Food (Scotland) Bill was introduced to the Scottish Parliament in March 2014. The Food (Scotland) Act was subsequently passed in January 2015, which established Food Standards Scotland (FSS) as a non-ministerial department with statutory duties to improve dietary health. In contrast to the decision of the Coalition government to transfer policy functions from the FSA, this legislative decision ensured that nutrition and labelling policy were a core remit of FSS. Indeed, the divergent approach to food standards can be conceptualised as both a case of negative lesson drawing from contemporaneous public bodies reform, and policy borrowing from the institutional legacy of the FSA. This decision reflects the significance of the temporal dimension in policy making, in which the Scottish government looked to draw lessons from the past (Stone 2017). However, as the following sub-section discusses, temporal aspects of this divergent approach had significant implications for partnership working in Scotland.

7.3 Multi-level politics: partnership at the devolved level

This section explores the policies of the SNP government in the political context of the Responsibility Deal. The first sub-section provides a brief overview of the policy landscape after the 2010 general election, which indicates that the SNP government was committed to implementing mandated performance standards relating to reformulation of HFSS products. In order to develop this line of argument, the second part of this section draws upon analysis of meeting notes, email correspondence and interview data, to reconstruct negotiations between policy makers and industry actors in taking forward proposals for a meta-regulatory framework of performance standards. This assesses industry strategies to undermine proposals for mandated reformulation targets, underlining the significant opposition to policy approaches that diverged from the accountability mechanisms of the RDFN (see Chapter 5 – 6). This analysis helps to explain the role of industry actors in transferring practices between political contexts (Stone 2012).

7.3.1 The policy landscape

The *Route Map* document outlined the first strategy of the minority SNP government (2007 – 2011) to focus on diet-related ill health in Scotland. Released in February 2010, the document provided a policy framework that made strong rhetorical commitments to addressing the wider social and economic determinants of diet-related ill health. This is reflected in the foreword to the Route Map document:

> 'Overweight and obesity cannot be tackled by just relying on individuals to change their behaviour as the factors that contribute to gaining weight have been woven into the very fabric of our lifestyles to such an extent that weight gain is almost inevitable in todays society'
>
> (Scottish government 2010a)

This policy statement conceptualized the obesogenic environment using a food systems model, first developed as part of the UK government Office for Sciences' Foresight project[9] on obesity (Butland et al. 2007). The Foresight report underlined the paradigm shift required to tackle the 'abundance of energy dense food', a recommendation that was reiterated in the Route Map. As the following interviewee involved in the drafting of the Route Map document noted:

> Mid-ranking civil servant: 'We knew the Foresight had said that this is not something that's about personal choice, this is not something that's just about physical activity. You have to look at the obesogenic environment'.

This framing of the structural drivers of diet-related ill health in the Route Map is linked to a commitment to reduce energy intake at a population level, placing an emphasis on reducing demand for HFSS foods (Scottish Government 2010a). While references are made to controlling exposure to high calorie food and drinks, the document does not specify precisely how this will be achieved.

[9] The Foresight Programme was launched in 1997 by the Labour government with the aim of scenario modelling policy areas with a strong scientific component. Foresight Obesities, commissioned and produced in 2007, examined sustainable policy responses to obesity over the next 40 years, involving academic researchers from a range of disciplines.

In addition, it is clear from the interviews that many civil servants believed its recommendations should be taken forward in partnership with the food industry. In some sense, the preference to incorporate non-state actors in decision making refers to the notion of a cooperative and consultative model of governance that the Scottish government have promoted as a 'Scottish approach' to policy making (Cairney et al 2016). The idea of a distinctive policy making approach was an ideational feature of how many civil servants referred to doing politics:

> Senior civil servant [Scotland]: 'Our previous Permanent Secretary [Sir John Elvidge] came up with something called the 'Scottish approach' of how we would deal with things. And the approach involved a lot of partnership. It was an intrinsic part of it [pause] an important part of it because we're a small place.'

Moreover, the interview data also suggests that the more specific idea of partnership working with the food industry was recognised among civil servants as constitutive of the political context. This view is captured in the following quotation, in which the interviewee talked about the preference for accommodative approaches to decision making:

> Mid-ranking civil servant: 'I think giving the food and drink industry an opportunity to do the work that we need them to do on a voluntary basis is an absolutely necessary first step'.

This suggests that, similar to the UK context, partnership was framed in opposition to traditions forms of regulation. This distinction between hierarchical control and the voluntary basis of partnership was overtly articulated in interviews with Scottish civil servants, as the following quotation demonstrates:

> Mid-ranking civil servant: 'I think it does influence where we go […] it will always be the first option to be pursued. Partnership has to fail before we will move on to something that is more regulatory'.

This suggests that civil servants linked the idea of partnership to the meta-narrative of an accommodative 'Scottish approach' to policy making, but also to more narrow policy discourses that linked partnership working with voluntary self-regulation. In other words, interviewees talked about regulatory frameworks using a recurring dyadic contrast of traditional state regulation and voluntary self-regulation. Yet while regulation was often framed in terms of this dichotomy,

the following sub-section suggests a more complex account of partnership working that illustrates the Scottish government's distinct approach to meta-governance.

7.3.2 Meta-governance

The recommendations of the Route Map were to be taken forward in cross-directorate policy forums, bringing together ministers and industry actors, including representatives from both UK and regional trade bodies. This took the form of a Joint Obesity Group (JOG) chaired by the deputy First Minister, Nicola Sturgeon, intended to carve out space for high-level policy discussions across government directorates, NHS regional boards and the trade bodies, such as the British Retail Consortium (BRC) and Food and Drink Federation (FDF). The politico-strategic purpose of this forum was to be translated into practical action through the Food Implementation Group (FIG), in which trade bodies were given a central role in decision making alongside decision makers from the health directorate. Indeed, at its first meeting the remit for this group is framed as formulating policies with industry actors. For example, the document states that 'the intention was to start with a blank canvas which the Scottish government would develop hand-in-hand with the food industry' (Scottish Government 2010b). In addition, with the staging of high-level policy discussion concluding in January 2011, responsibility for food and obesity policy was delegated to FIG.

Although the FIG followed the same institutional 'script' (Hajer 2005) as the Food Network, framing decision making as a collaborative process with industry actors, it is evident from interviews with policy-based individuals that partnership was going to lead to distinct policies in relation to food and obesity. For example:

> Senior civil servant: 'We knew about the Responsibility Deal. We were mindful of trying to learn from obvious mistakes, and because of the politics here, we wanted it to be Scottish rather than just be an adjunct to something developed 400 miles south of us […]'

In the extract above, there is a clear assumption that a 'Scottish approach' should avoid the perceived failures of the Food Network. This differentiation was most clear in the interest of decision-makers in state oversight of industry self-

regulation using a regulatory framework developed by the FSA. The framework, which was commissioned under the UK Labour government in its third term (2005 – 2010), made various recommendations to reduce the saturated fat and energy density of HFSS food and beverages. Modelled on the mandated approach for salt reduction, the FSA framework set out targets for HFSS product categories. For example, targets for soft drinks included a 4% reduction in the level of added sugar, and 10% reduction in the saturated fat content of chocolate confectionary. In contrast to the 'complex undergrowth' (Curtin 2007) of voluntary self-reporting within the Food Network, the use of an external set of performance standards implies that decision makers in Scotland were more comfortable with a meta-governance role that focused efforts on developing a mandated regulative framework to encourage industry self-regulation. Yet, the following section suggests that scope for policy divergence through the meta-regulation of performance standards was constrained by the political strategies of food industry actors.

7.3.3 Interviewee perceptions about policy legacies and political 'contexts'

In this section, we will see that, while performance standards under meta-regulation increased the scope for a more stringent meta-regulative framework, policy divergence was constrained by the transfer of *practices* from industry actors participating in the Food Network. However, the transfer of practices between institutional levels was also dependent on the political context in Scotland. Before moving on to explore the political strategies of industry actors, the section begins by examining key aspects of this 'context'.

The first aspect of this, was the widespread perception among policy-based interviewees that the operationalization of partnerships under the Coalition government had restructured policy space at the devolved level. It is clear from the dates of stakeholder meetings that the Secretary of State for Health, Andrew Lansley, operationalized the Responsibility Deal network in a short time horizon. Following the implementation of MoG changes in July 2010, he chaired the inaugural plenary group meeting in September 2010. The action note for this meeting notes that the Secretary of State 'set out his vision' for the working

routines and aims of the partnership, and records early 2011 as the scheduled launch of the Responsibility Deal. This is a critical point, as the very experience of collaboration between the DH and industry actors constructed a set of agreed-upon norms and rules that constrained policy choices at the devolved level. As the following interviewees describe, temporal aspects were crucial in structuring the political and institutional context of food and obesity policy:

> Mid-ranking civil servant: 'The Responsibility Deal was guiding the food industry's public affairs strategy because it was UK-wide policy. So, if the Deal was talking about reformulation, then we would come along and say [to food industry actors]: well what about reformulation? The companies would naturally say, 'well, we're *already doing this in relation to the Responsibility Deal*' […] We really had no option but to accept what was happening, and that meant our policies had to work in the context of the Responsibility Deal. It had to complement what they were doing'.
>
> Mid-ranking civil servant: 'The Responsibility Deal was the big ticket as it was UK-wide, and so we were very conscious that it was going on. We didn't have much influence over it at all […] Part of our discussions with colleagues [in DH] was finding out what was going on with the Responsibility Deal and where it was going. We would look for the gaps, so things like reformulation'.
>
> [My emphasis]

As the extracts above illustrate, civil servants perceived that the operationalization of partnership under the Coalition government had functioned to restructure policy space at the devolved level (Skelcher 2005). In this case, both interviewees talk about working within the policy trajectory of RDFN negotiations of the Calorie Reduction pledge (discussed in Chapter 6) was an initial focus of steering group meetings) rather than exploring possible alternatives. Both extracts highlight that reformulation was viewed as the 'context' in which FIG operated. In other words, temporal aspects were described as having significant implications for divergent policy approaches. Moreover, this perception of having to align with the Food Network's policy trajectory was translated into positions taken by decision makers in meetings with industry actors. This is illustrated in the action note of the first FIG meeting:

> [FIG01]: 'We noted that structural changes at the UK level had affected specific commitments since its publication. SG [Scottish government]

> was open to adapting phrasing of the energy-in commitments, for example, to reflect changes to the Food Standards Agency. We agreed that it would be important to link into the work in England on the Responsibility Deal […]'.

All this suggests that the timing of political developments was perceived by decision makers (and documented in meetings with industry actors) as constituting the institutional and political context at the devolved level, in which partnership working was shaped by policy developments within the RD.

The second dimension relates to the breakdown of the FSA, in which the Scottish government responded to this 'institutional void' by creating a non-ministerial arms-length body in Scotland. However, as discussed in the previous section, delays in bringing forward legislation to establish FSS meant that policy responsibility was placed with FIG (located within the Public Health Division) between 2012 – 2015. This transfer of policy functions is described in the following quotation:

> Mid-ranking civil servant: 'In terms of what we were taking forward from the Route Map, there was reformulation, and there was a group [FIG] that was set up to take that forward […] in terms of this approach, the Food Standards Agency would have been the natural choice for doing a lot of the industry engagement. But, there was a split down south, and we ended up having a new body up here. In terms of working that out, we [Public Health Division] ended up doing more than perhaps we would necessarily have done previously […]'.

As the interviewee above reveals, the shift in the location of responsibility for obesity policy reflected a largely ad hoc response to public bodies reform under the Coalition government. While this could be viewed as a pragmatic response to institutional change at the UK level, it was also a crucial decision to make, as the codified rules and norms embedded in the institutional logic of the FSA were replaced with informal practices that lacked agreed-upon procedures.

7.3.4 Informal practices of governance: The Food Implementation Group [FIG]

During the third FIG meeting in June 2011, participants agreed that negotiations would take place to collectively agree action on the reformulation of HFSS products. In terms of rules and norms, FIG was described in meeting notes as a flexible institutional setting, designed to facilitate informal policy discussions. For example, the remit of FIG is framed by government officials at the first meeting as a 'blank canvas' to negotiate policies 'hand in hand with the food industry'. This notion of joint problem solving was reiterated in subsequent FIG meetings, with circulated papers underlining a "collaborative approach" that would not be "constrained by the letter of the text" of the Route Map. This interactive approach to decision making was also put forward as an explicit rationale by interviewees involved in partnership. For example:

> Mid-ranking civil servant: 'We didn't set the agenda. What we hoped was to agree the agenda with people around the table; to say, what could we work on? What are areas could we explore?

The quotation above captures the notion of FIG as a space that was not structured by pre-defined agenda, but open to discursive challenge. In other words, the 'rules of the game' were to be recursively defined through an interactive process, in which agreement was achieved via consensus. In terms of institutional design, this forum might therefore be interpreted as having borrowed decision making procedures from the Food Network. Indeed, as one civil servant interviewee reflected, 'in practice, it was the same sort of thing. It was a less organised version of the Responsibility Deal'. This view supports the idea (discussed above), that the operationalization of partnership created overlaps that restructured policy space at the devolved level. However, this shift from the formal codified patterns of rules and norms within the FSA to the fluid informal practices of FIG, directs attention to the opportunities of this informal institutional space for corporate political strategies.

7.3.5 Food industry strategies: temporal aspects of venue shifting

Meeting minutes produced for the third FIG meeting communicated the focus of the 'Scottish approach' to obesity policy on reformulation of HFSS products. The minutes note collective agreement among FIG members, that the FSA calorie reduction programme would be 'reinvigorated'. While representatives of trade bodies (which included multiple officials from both the FDF and SFDF) rhetorically committed to this framework at the meeting, it is clear that this would have implications for the market strategies of individual companies. Put simply, compliance with this meta-regulatory framework of targets would require companies to formulate region-specific HFSS products *or* extend standards across all four UK administrations. The former had no obvious economic rationale, as the following policy based interviewees describe:

> Senior civil servant: 'If you look at the market, Scotland's got a population of five million […] so the vast bulk of the UK population is in England; the vast bulk of the market share is in England. So, in any business you would look at the market share, obviously you're going to make decisions that are focused on market share'.
>
> Public health advocate: 'I think the word that is never used is *costly*, which is actually probably the thing that's much more in play. So, they [companies] go on about how technically it [reformulation] is really difficult. I think a lot of these things are not *that* difficult if you are prepared to take a lower profit on them, which, of course, is absolutely not what companies are incentivized to do'.

The above extracts underline the meta-regulation through performance standards as a source of costs for companies operating across multiple jurisdictions. While the latter mechanism of cross-border standards can be a source of strategic advantage for multinational corporations in reducing regulatory costs (Börzel and Risse 2010; Prakash and Potoski 2006; Vogel and Kagan 2004), most of the time, standards are a source of costs for companies that implement them (Koenig-Archibugi 2004). In this case, it is clear from backstage policy discussions within the Food Network, that proposals for regulatory standards (such as the 5 billion calorie reduction target discussed in Chapter 6) were framed as a barrier for market strategies to increase sales of HFSS products (and generate higher profits). As such, industry actors had a rationale – explicit in emails between FDF and Department of Health officials –

for political strategies that could be used to achieve policy influence in preventing unwelcome regulatory standards. The timing of policy developments at the UK level was crucial to this strategy, as concurrent policy discussions over the drafting of a pledge on calorie reduction creates temporal opportunities for industry actors to transfer practices from the Food Network to FIG.

At its core, this political activity used temporal discourses (Dussauge Laguna 2012; see also Goetz & Meyer-Sahling 2009) to prevent unwelcome regulatory standards. This involved the FDF and BRC taking on the role of boundary spanners (or intermediaries) across partnerships, with the aim of proscribing certain courses of action through functional overlaps between the policy approaches of UK and Scottish governments. In other words, trade bodies were able to move across levels of governance by virtue of their shared membership of both the Food Network and FIG. This provided opportunities to transfer practices that could be used to restructure the rules of the game to align with the market strategies of industry actors. As detailed below, the multi-level strategies of industry actors centred on discursively reinforcing the non-negotiable constraints on divergence from the Responsibility Deal.

While industry actors agreed to take forward action on calorie reduction, this normative commitment was replaced with temporal discourses that framed negotiations as intrinsically constrained by the timing of policy discussions within the Food Network. This rhetoric was a consistent feature of FIG meetings, illustrated in the following extracts from meeting minutes:

> FIG 4 [September 2011]: 'Industry had concerns about the idea of targets being set in Scotland which did not apply in England, especially when the Responsibility Deal was understood to be looking at saturated fat in 2012 at the earliest with an anticipated flexible approach'.
>
> FIG 5 [December 2011]: 'There was a keen sense from industry members that the Scottish draft papers were pushing too hard and were out of step with the Responsibility Deal timings and approach. FIG industry members reiterated that they wished to see a 'menu of options' approach, rather than one that was targets-driven, giving companies the space to develop reformulation approaches […]'.

As the extracts above illustrate, the timing of policy discussions was used by industry actors to influence policy through emphasising the collective action

problems associated with policy divergence. This was explicit in the reason-giving of the FDF at FIG 4 (see above), which argued that draft FSA recommendations 'would act as a barrier to engaging their membership'. Given that the FIG was scripted as a 'blank canvas' to promote a collaborative approach to policy making, decision makers agreed to 'revisit the tone and presentation' of draft standards. Yet email correspondence between civil servants in the days after the meeting underline a frustration with this industry tactic. For example:

> 'I have revised the wording on the recommendation and added a bit of background […] hopefully this means that they will get on with it. I checked the RD DH talks about reformulation […] so playing games RE the saturated fat reduction being later for DH: it's all the same, as I said at the meeting […]'.

Yet while trade bodies opposed the meta-regulation of performance standards, FSA reformulation targets were retained in a draft paper that set out the institutional framework of a future partnership between the Scottish government and food industry. The paper, titled *Supporting Healthy Choices* (Scottish Government 2013a), was circulated between industry actors for feedback in June 2013. This document set out mandated targets for HFSS product reformulation, which included a five percent reduction in the sugar content of sugar-sweetened beverages and reductions in the portion sizes and saturated fat content of chocolate confectionary (Scottish Government 2013b). This had followed a roundtable event held in the previous month, at which industry participants – including PepsiCo, McDonalds, and Mars – reiterated their opposition to reformulation targets. More broadly, industry actors framed the draft framework as excessively restricting the legitimate activities of food companies. For example:

> 'You cannot seriously expect food manufacturers and retailers to ignore consumer demand for HFSS products. They have a duty to shareholders to run a business and make a profit'

> '[…] you seem to be asking turkeys to vote for Xmas – why would they [companies] voluntarily reduce their revenue – getting real works both ways!'

In addition to the feedback received at this roundtable meeting, written responses submitted by trade bodies to the draft paper illustrate industry strategies to transfer practices from the Food Network to the institutional design of partnership in Scotland. As outlined in previous chapters, the cooperative logic of the Responsibility Deal was instrumentalized by industry actors to weaken or block proposals for sectoral performance standards and reporting mechanisms. The aim of this political strategy was to transfer the complex undergrowth of informal standards from the Responsibility Deal to partnership approaches in Scotland. Trade bodies were particularly important in constructing a coherent industry position in their submissions to the draft paper. Table 1 comparatively summarises responses from the Scottish associations of the FDF and BRC. The extracts in Table 1 illustrate temporal discourses that frame policy divergence from the monitoring and reporting standards of the Responsibility Deal as a barrier to industry participation.

Table 7.1 Illustrative examples of industry feedback relating to draft reformulation targets

Scottish FDF	[…] member companies need reassurance that there will not be an undue burden with respect to monitoring before signing up […] if an element of self-reporting is required, we would request that as far as possible the Scottish government works with the Responsibility Deal secretariat to align monitoring requirements […] linking to the approach taken under the Responsibility Deal, we would suggest that as opposed to set timelines, companies commit to reformulation and outline the timeframe it will take them to undertake this. This provides transparency, enabling the Scottish government to take a view on the scale of commitment, but allows companies flexibility […]
Scottish Retail Consortium	One lesson that should be learned from our experiences of the Responsibility Deal is ensuring that there is a monitoring framework in place which is workable, accessible and does not place an undue burden on signatories […] the level of support could be greater if the criteria or approach was more aligned with the work retailers are already committed to as part of the Responsibility Deal all the comments SRC/BRC raised at the three meetings we had on the reformulation strategy in 2012 remain relevant […] we have serious concerns with the targets proposed in the strategy […] The reformulation strategy as currently proposed will not be supported by retailers […]

Source: FOI request for documents relating to consultations with industry actors over the Supporting Healthy Choices paper

This strategic action appears to have exercised significant influence over the drafting process, with the performance standards displaced in the final draft of the Supporting Healthy Choices (SHC) strategy paper released in May 2014. In its place, there appeared a commitment to:

> 'invite all food industry businesses across manufacture, retail and catering to work towards reducing calories, fats, salts, and added sugars'.

This translation from meta-regulative framework to noncommittal industry self-regulation, suggests that industry actors were able to transfer norms and rules from the Food Network that institutionalised a corporate veto (Hawkins & Holden 2016) on decision making. Indeed, there are clear similarities with the weakening of calorie reduction targets. Although an FOI request for communications relating to policy formulation was exempted under Section 35 of the Act (on the basis that certain discussions between Ministers and industry actors should take place behind closed doors), interview data suggests that civil servants had limited scope to influence the behaviour of industry actors. For example:

> Senior civil servant: 'I think we did get a bit of pushback [with industry] saying: 'well, we're doing most of this under the Responsibility Deal, so do we really need to sign up to Supporting Healthy Choices given that we're applying the Responsibility Deal on a UK-wide basis'.
>
> Mid-ranking civil servant: '[…] your power to influence [industry] is somewhat muted when you are looking at doing something specific in Scotland […] where we've faced challenges, is that the Responsibility Deal was already doing it'.

Like the interview data that refer to timing of policy developments as restructuring policy space, the extracts above reinforce the widespread perception that the political context constrained scope for policy divergence. In addition, it is also clear that the scope for introducing a meta-regulative framework of performance standards was challenged by a shift from the codified rules embedded in the FSA, to the ad hoc informal practices of partnership. The consequence of this shift, was that regulatory standards became uncoupled from the institutional setting within which they had originally been developed.

As the following interviewee describes, this dislocation created opportunities for industry actors to block unwelcome performance standards:

> Mid-ranking civil servant: 'So looking across the piece [sic] in Supporting Healthy Choices, when you actually look at the document that went out to consultation and what ended up being the final document – what we started with and what we finished with – are actually quite different documents. And a lot of that is due, not necessarily to the evidence base being insufficient – or not particularly strong in certain areas – but actually our experience once we started talking to industry on where we could get buy-in. Where you can set a document in terms of it being challenging, but also on how far you can push at that door'.

The extract above captures informal practices of decision making, giving industry actors the opportunity to shape and re-shape the rules of the game. As the above quotation underlines, proposals were contingent on *buy-in* from industry actors (regardless of the evidence base). The implicit argument being made, is that collaborative decision making created opportunities to block policies that were perceived by industry actors to be challenging.

All this suggests that policy divergence was constrained by political strategies of industry actors, which related to the transfer of practices between UK and devolved administrations. This involved the transfer of informal procedural norms that included industry actors as rule makers. Yet while the timing of policy developments provided an opportunity for trade bodies to block proposals for performance standards, it is important to note that dimensions of the political context appear to have facilitated this transfer. Although trade bodies performed the role of boundary spanners between the UK and devolved level, the transfer of informal rules reflected a political context in which partnership ideas have become institutionalised as a central component of the 'Scottish approach'. In addition, the interview data supports the idea that the timing of political developments was a key factor in accounting for the lack of policy divergence. While it is difficult to disentangle the perceptions of civil servant interviewees from the framing of policy discussions by industry actors, it seems clear that temporal aspects are widely perceived by civil servant interviewees to have restructured policy space at the devolved level. However, the lack of divergence between the UK and Scottish government's approaches to partnerships may also be understood as constrained by both the political strategies of industry

actors, and the challenges of regulating industry actors for whom the Scottish market is marginal relative to the rest of the UK. As this section argues, industry actors were able to exploit the timing of policy developments to block regulatory standards that threatened their market strategies. However, the final section of this chapter demonstrates the adaptation of industry strategies to a new political topography, in which interactions between the Scottish government and industry actors became highly confrontational over proposals for an external standard on the marketing of HFSS products.

7.4 Scottish government proposals for a voluntary standard on responsible marketing

In April 2013, the Scottish government commissioned the British Standards Institute (BSI) to develop a Publicly Available Specification (PAS) on responsible marketing of food and drink, as an innovative policy solution to the reserved issue of broadcast regulation. However, exploratory discussions that policy makers had expected to produce consensus over a voluntary standard resulted in industry actors unilaterally exiting from negotiation. This section examines the positions adopted by industry actors on PAS, illustrating the shift in strategic action from rhetorical commitment to engagement with the Scottish government to confrontation with policy makers. The key difference between policy discussions in PAS and the FIG was that industry actors were unable to exploit temporal opportunities for venue shifting (Fooks et al. 2017). While multi-level lobbying activities had used policy developments within the RD to block mandated reformulation targets in Scotland, this option was not available in the case of marketing practices. Before examining the development of PAS, it is useful to consider the regulatory landscape in statutory and self-regulatory codes relating to marketing and promotion.

7.4.1 The regulatory landscape on food and drink marketing

During the first exploratory workshop in April 2013, officials from the Scottish government set out proposals for a PAS on responsible marketing of food and drink, which included greater restrictions on price promotions, sport sponsorship, and strengthened restrictions on broadcast and non-broadcast media advertising. As the proposal notes, the policy aim of PAS was to

‘complement, and not replace existing regulation on controls over marketing of food and drink products. The regulatory and self-regulatory codes which are relevant to marketing and advertising practices - detailed in a PAS document drafted by the BSI and circulated to officials from the Public Health Division of the Scottish government – are the Code of Advertising Practice (CAP), Broadcasting Code of Advertising Practice (BCAP), and Ofcom restrictions. The remainder of this section provides a brief overview of the relevance of each of these codes to proposals for a PAS.

Broadcast advertising is regulated through a hybrid of regulatory and self-regulatory codes that apply to scheduling restrictions and content rules. In terms of statutory rules, in 2003 the UK government asked Ofcom (the communications regulator) to review rules on television advertising to children. This lead to the publication of an Ofcom report (Ofcom 2004) that concluded scheduling restrictions to tackle childhood obesity would be justified. Following on from this, Ofcom announced scheduling restrictions in November 2006 ‘to reduce significantly the exposure of children under 16 to unhealthy advertising, as a means of reducing opportunities to persuade children to demand and consume unhealthy products’ (Ofcom 2007) This included a ban on HFSS product advertisements or sponsorship in children’s programming, and the use of licensed characters or celebrities in advertising aimed at pre-school or primary-aged children. In 2004, Ofcom delegated the day-to-day regulation of broadcast advertising content to the Advertising Standards Authority (ASA). The ASA, a self-regulatory body with representatives from the advertising industry, introduced certain restrictions on the use of advertising techniques through its BCAP. This included the phased implementation of restrictions on HFSS advertising in children’s programming, such as prohibiting HFSS marketing on dedicated children’s channels.

In contrast, non-broadcast advertising is regulated through the CAP, an industry self-regulatory code implemented by the ASA. This includes both paid-for space: for example, viral ads and advergames, and paid-for search listings; and non-paid for space, such as social media (for example, twitter). Yet as a recent review of the UK policy landscape (Garde, Davies, and Landon 2017) illustrates, the complexity of this landscape creates regulatory underlaps that can be

exploited by the processed food and beverage industry. For example, the CAP does not apply to traditional channels of non-broadcast media, such as packaging and sponsorship (Garde, Davies, and Landon 2017). Although a 2015 review of the CAP led to the extension of restrictions to non-broadcast media (aligning CAP and BCAP codes), the interest of Scottish policy makers in the PAS reflected an awareness of gaps in the regulatory landscape that the ASA had not addressed in its 2010 review of non-broadcast restrictions. For instance, a circulated FAQ noted that a PAS would include *all* marketing on food and drink such as: food packaging, in-store promotions, digital marketing, and sport and cultural event sponsorship. The aim of the PAS was also to extend regulation of broadcast media, revising Ofcom restrictions on marketing for HFSS products on children's channels (or programmes 'of particular appeal' to children aged 4 – 15 years) with proposals to limit HFSS marketing for all age groups before 9pm. All this suggests a policy commitment within the SNP government to shift towards more stringent regulation of industry marketing practices. The following sub-sections focus on exploratory discussions between the Scottish government, BSI and industry actors, unpacking the interaction between policy ideas and interests. This draws on empirical data from an FOI request submitted to the Scottish government for documents relevant to the development of a PAS, in addition to interviews with civil servants and public health advocates involved in its development.

7.4.2 Technical standards as a policy instrument

The acceleration of global trade through international and regional agreements has resulted in the concurrent rise of technical standards as a policy instrument to support market liberalisation (Vogel 1995). Alongside the emergence of transnational non-state certification schemes (Cashore, Auld, and Newsom 2004; Bartley 2003), such as Fairtrade and the Forest Stewardship Council (FSC) (Bell and Hindmoor 2012), technical standards have become an increasingly important form of 'soft law' related to transnational business governance (Eberlein et al. 2014). The technical work of standardization is coordinated by the International Organization for Standards (ISO), founded in 1946 to facilitate global trade. Membership of ISO is open to national standards bodies (such as the BSI), with the technical work of standard development

delegated to a network of technical committees and working groups. As Mattli and Büthe (Mattli and Büthe 2003) observe, the globalization of product markets has converted the ISO from a peripheral to privileged position in global economic governance. While these standards are non-binding, ISO-created rules have a privileged status in trade law (Roht-Arriaza 2003), with the Agreement on Technical Barriers to Trade (TBT) recognising ISO standards (Bernstein and Cashore 2007). Notably, the ISO 14001 on environmental management systems requires that participants assess their environmental performance, set out quantifiable targets, and submit to a system of audits that incentivise compliance with their management systems (Prakash & Potoski 2006).

Moreover, the process of developing an ISO standard is often triggered by a specific industry based on pragmatic evaluations of regulatory and market conditions (Mattli & Büthe 2003). The reasons for the proliferation of standards vary, but often relate to attempts to avoid state regulation (Levy and Prakash 2003; Héritier and Eckert 2008), as a response to reputational concerns stemming from societal and political pressures on corporate behaviour (Thauer 2014; Koenig-Archibugi 2004), and as a mechanism for regulatory harmonization that lowers nontariff trade barriers (Prakash & Potoski 2006). In other words, industry actors will participate in technical standards where standardization is perceived to facilitate market and political strategies. As Prakash and Potoski (2006) argue in their evaluation of ISO 14001, high levels of standard implementation precluded a 'race to the bottom' in environmental regulation. While empirical data supports a ratcheting up of social and environmental standards in certain policy areas (Vogel & Kagan 2004), industry actors must have incentives to participate in the provision of public goods (Börzel & Risse 2010). In contrast, exploratory policy discussions around a PAS were marked by fundamental conflicts between food industry interests and public health goals. The following sub-sections draw on empirical material in unpacking interactions between the Scottish government, BSI and food industry actors in exploratory discussions over technical standards regulating the marketing of processed food and beverages.

7.4.3 Food standards: exploring a PAS

This sub-section discusses technical standards in relation to the regulatory landscape in Scotland. It first discusses PAS as an idea that fits within the boundaries between reserved and devolved Scottish policy, while providing scope for a distinct regulatory approach to food and drink marketing. It then explores accountability as a concept that helps to explain the scope for divergence between Coalition and SNP government approaches.

The decision of the Scottish government to explore a PAS was widely held by interviewees working in public health advocacy as an innovative idea related to the SNP government's approach to public health. For example:

> 'My sense was that the Scottish government were willing and interested to grasp the issues, particularly marketing to children. The context being childhood obesity was a particularly acute problem for society and the economy. I also have the sense that the civil servants are very engaged with, and alert, to discussions about what kind of approaches might work. So, the proposal to see if there might be a way to develop a British standard, which food companies could adhere to.'

As the above extract illustrates, interviewees believed that proposals to develop a PAS reflected the willingness within the SNP government to pursue a more interventionist approach. What is interesting about the experimentation of civil servants with new ideas is the inability of the Scottish government to pursue legislative measures on broadcast marketing. As the following interviewee, a public health advocate with experience of the PAS process, explains:

> 'I think the actual policy was quite strong. When it came out [*Supporting Healthy Choices* draft], it looked like there was going to be action on a lot of these areas and it was quite explicit about going further on marketing to children and adults. I think the issue was what Scotland was actually able to do secondary to the UK [government]. So when Michael Matheson was the Minister (for Public Health), there were lots of discussions about whether or not they could go any further on broadcast advertising. I think the view was that it was a UK [government] competence and so it wasn't possible. That was when I think the Scottish government were trying to look at more innovative approaches to taking action on non-broadcast media, and that's when they came up with the idea of a British standard.'

The above extract highlights the fact that policy responsibility for broadcast media is reserved to Westminster (under the Scotland Act 1998), which helps to explain the interest of Scottish policy makers in a non-binding standard. In relation to the approach of the SNP government to public health issues, there are evident similarities between PAS and MUP as policy instruments that reconfigure the boundaries between devolved and reserved issues. As Holden and Hawkins (2013) highlight, the decision to pursue MUP was in part structured by the fact that taxation is a reserved competence.

Overall, the interview extracts reflected the widely held view that officials within the SNP government were comfortable with initiating and facilitating a regulative framework (Sørensen & Torfing 2009) that institutionalised a distinctive approach to food and obesity policy. The data also illustrates the conceptualisation of PAS as providing the scope to diverge from the approach to public health under the Coalition government. This view of a 'Scottish approach' to public health policy was evidence in many interviews with civil servants. For example:

> Mid-ranking civil servant: 'I think from the outset, our Ministers felt that the Responsibility Deal was a very bad move both ideologically as well as on a practical level. We just didn't think it was going to achieve anything. In terms of ideology, the Responsibility Deal basically asked the industry to regulate itself. It was just not something that Ministers were happy about. So, I think from that perspective, as civil servants, we were driven to look at options that didn't just put the responsibility square with industry, but made it more of a government demand […] PAS was still a voluntary arrangement. But, I guess the one big difference is that we were actually stating what we wanted specifically from industry.'

In explaining the rationale for the PAS, this interviewee contrasts the ideological positions of UK and devolved governments. This is interesting in two aspects. First, the quotation is illustrative of the openly critical way in which interviewees referred to industry self-regulation in the absence of the continued role of the state. Second, it underlines the perception that officials tasked with facilitating industry self-regulation had failed to achieve this aim. As the interviewee describes, civil servants were encouraged to explore ideas that committed the government to mobilizing and steering industry actors. This reflects a tacit assumption that the Coalition government had resisted an interventionist approach to accountability, opting for a 'light touch' approach to monitoring.

Overall, this suggests that the Scottish government was committed to meta-governing the marketing activities of the processed food and beverage industry more effectively than within the RD. Indeed, the narrative of a distinctive Scottish approach to obesity policy is evident in the SHC policy statement, which argued that while 'Scotland benefits from the *Responsibility Deal* [sic] […] our poor dietary health warrants further action' (Scottish Government 2014). The following sub-section explores the scope of PAS for meaningful policy divergence, focusing on how accountability is operationalized in technical standards.

Accountability

If the institutional design and decision processes of the Responsibility Deal reveal what Curtin (2007) terms a 'complex undergrowth' of accountability mechanisms at the meta-governance level (Bache et al. 2015), then a technical standard promised a more coherent approach. As part of formal policy announcements, the Scottish government depicted the PAS as 'a halfway house between voluntary self-regulation and legislation' (Scottish government 2013). While this distinction provides a useful framing device, it is useful to conceptualise the Scottish government as taking on a meta-governance role (Dommett & Flinders 2015). More specifically, it can be conceptualised as a form of delegated governance whereby the Scottish government relied on the UK national standards body to develop regulatory standards. This is a critical point. The delegation of functions to the BSI also operationalized a logic of decision making codified in formal rules (Tatenhove et al 2006). In contrast to *fuzzy* accountability mechanisms under the Coalition government (Bache et al 2015), the procedural logic of the standardization process embedded a distinct conceptualisation of accountability.

Having suggested that industry actors exploited *institutional ambiguity* (Hajer & Versteeg 2005) to weaken accountability mechanisms in the Responsibility Deal, this sub-section unpacks the accountability mechanisms that underpin a PAS. More specifically, this focuses on *requirement, performance* and *process* standards and *certification* as potentially effective public accountability mechanisms.

As described above, the interest of policy makers in the PAS reflected an awareness of gaps in the regulatory landscape that could potentially be mitigated through a system of specification, performance and process standards. These different types of standards are captured in the BSI definition of a specification as relating to 'detailed requirements, to be satisfied by a product […] and the procedures for checking conformity to these requirements'. A requirement focuses on prevention by controlling processes that give rise to harmful practices (Baldwin, Cave, and Lodge 2010). This would include draft commitments in the PAS document to extend HFSS restrictions and restrictions on sport and cultural event sponsorship. Second, performance standards require a specified outcome related to a regulatory goal (Coglianese & Mendelson 2010), such as draft proposals to limit the display of HFSS products at the point of sale and require packaging to include front of pack traffic light labelling. By contrast, process standards specify procedural rules (Koenig-Archibugi 2004). In this instance, the PAS draft required participants to adopt the FSA nutrient profiling model and traffic light labelling as thresholds to classify HFSS products. In contrast to the flexibility of account-giving in the Responsibility Deal, producing a complex undergrowth of individual standard-setting and self-certified information reporting, the draft PAS document set out *ex ante* standards that would limit the scope for internal standards. Indeed, as the BSI document circulated to participants at the first workshop underlined, the PAS would be 'not open to interpretation' with 'clear and unambiguous qualification criteria' applied to marketing activity.

Secondly, there also appeared to be scope for divergence in certification standards, which refer to how compliance with requirement, performance, and process standards is monitored and certified (Koenig-Archibugi 2004). Drawing on the BSI document above, it is detailed that the PAS will provide an 'objectively verifiable' standard that 'provide for independent third party certification', in addition to the market-driven logic (Cashore 2002) of consumer demand (a second party) for responsible marketing activities (Koenig-Archibugi and Macdonald 2013). As discussed in the previous chapter, this external standard of certification diverged from the 'light touch' approach of the Responsibility Deal, embodied in the commitment of the DH not to 'provide any detailed analysis or commentary' on information reporting.

All this suggests that, in delegating functions to the BSI, Scottish policy makers were comfortable in pursuing a more interventionist approach to accountability in the form of verifiable standards and external certification. However, as the following section illustrates, the expectation of a negotiated solution was vehemently opposed by industry actors leading to a break down in communications between the Scottish government and BSI.

7.4.4 The politics of PAS

A feature of the Coalition government's approach to institutional design was the sequencing of decision processes in the Responsibility Deal. While the launch document is overt in framing promotion activities as a priority of the Food Network, it was noticeably absent as an agenda item of high-level steering group meetings until July 2013. As the following interviewee reflects, the rationale for avoiding this issue was straightforward:

> 'Why was it [promotions] at the bottom? Pragmatism, to be absolutely honest. We all knew promotions was going to be difficult. Everybody knew it would be difficult […] I thought if we built up collaborations and trust and built momentum then that would provide a better platform in order to have some more *difficult* conversations. So it was absolutely: 'let's pick some things that we [the Food network] can do, and then we will move on to more difficult areas. That's why it was at the bottom of the list.'

This extract is indicative of a widespread recognition of the barriers to negotiated self-regulation, in which many reflected that industry actors were reluctant to engage in policy discussions around marketing standards. For example:

> Public health advocate: 'I think some areas were just impossible to make any progress [such as] food marketing and promotions. If you look at the Minister's comments towards the end, it's clear that companies wouldn't really engage in any discussion about *such* a contentious issue. So, no progress was made there at all […] while there were efforts to get a pledge, companies just wouldn't agree to any kind of pledge at all because they didn't want to commit to action in that area. I just felt like it was *endless*.'
>
> [My emphasis]

The quotations above provide an illustration of the barriers faced by policy makers in Scotland to policy divergence that many interviewees believed to have exposed the limits of partnership. In the first extract, the interviewee describes the belief that building momentum through policy areas in which industry interests and those of public health were more likely to align, would lead to short term material interests being replaced with a belief that reaching compromise is 'the right thing to do' (Suchman 1995). In other words, the interviewee did not appear to believe that it was possible to initiate negotiations in such a commercially sensitive area without building a virtuous cycle of legitimacy (Ansell and Gash 2008; Benjamin 2002). In the second extract, the interviewee describes the vehement opposition of industry actors to negotiations on marketing practices, implicitly referring to the power of industry actors to exploit their position as rule-makers to veto (Tsebelis 2002) any attempt to reach a collectively binding decision. As this sub-section explores, the failure to initiate even a *dialogue* with food industry actors reflects the limits of consensus-oriented decision processes in policy areas where profit motive and public health diverge substantially. Indeed, the delegation of policy functions to the BSI reflected an awareness among Scottish policy makers that industry self-regulation in this area was likely to achieve little in the way of compromise or concession. To paraphrase the civil servant interviewee above, a PAS was viewed as a more effective policy solution than asking 'industry to regulate itself'.

It is important to highlight that the procedural approach of the BSI constitutes a distinct, and densely institutionalized context, in which negotiations take place. In contrast to the collaborative approach of the Responsibility Deal in which industry actors participated in rule-altering practices (Börzel 2011), the process of drafting technical standards takes place in a rule-directed institutional setting. To summarize, BSI decision processes are practically identical to the negotiation of ISO standards. The first phase involves approving the technical scope of a future standard. Following this, a steering group reaches a negotiated agreement on the substantive content of a draft standard, which is then published for expert review and public consultation (Mattli & Büthe 2003). The steering group then scrutinizes proposed revisions to the draft standard.

Crucially, this institutional process is structured by procedural rules that require a draft to be approved by consensus[10] among participants. For instance, the adoption of an ISO standard requires that a substantial majority must approve the draft for it to be published as an official standard (Roht-Arriaza 2003). This suggests that the standard development process is *consultative*, but embedded in agreed-upon decision rules and procedures that formally preclude rule-altering practices (Tatenhove et al 2006). For industry actors that had previously exerted influence over decision processes and policy outcomes as rule-makers, this densely institutionalized context provided less opportunities for policy influence. As a result, strategic action shifted from the justification of demands in terms of norms of 'corporate citizenship' and 'good governance', to confrontational negotiating strategies.

Following on from this last point, the beginning of the negotiation process was characterized by reluctant acquiescence from industry actors to attend meetings in April and September 2013. At the first meeting, a BSI presentation set out the PAS and standard development process. In addition, officials from the Public Health Division of the Scottish government justified the PAS as a proportionate policy response to the burden of diet-related ill health. In a press release, the Minister for Public Health, Michael Matheson, described the first workshop as the 'start of a long process' that would 'help the food industry play a leading role in being part of the solution'. However, despite the attendance of trade associations such as the British Soft Drinks Association (BSDA), the Food and Drink Federation (FDF), and British Retail Consortium (BRC), the tone of internal correspondence between Scottish government officials was rather more circumspect. For example, in an email about the workshop it is noted that 'there was almost universal agreement that Scotland had a serious public health problem and that inaction was not an option'. However, the email also details that 'a few were strongly opposed to any suggestion which would lead to a reduction in sales of HFSS products'. As the following extract from email correspondence between officials within the Public Health Division observes:

[10] BSI guidelines on standard development define consensus as characterized by 'general acceptance and application of a Standard within its intended sphere of influence. This entails trying to ensure that the interests of all those likely to be affected by it are taken into account […]' [https://www.bsigroup.com/Documents/about-bsi/NSB/BSI-pocket-guide-to-standards-development-UK-EN.pdf]

> ‘Some food industry and advertising bodies are opposed to the goal of reducing HFSS food purchases but feel obliged to engage because the PAS is voluntary and not doing so might look poor for them. These groups may choose to adopt a policy of constructive opposition, i.e. to engage but oppose the substance of the PAS in committee.’

However, as negotiations around the PAS continued, it is apparent that industry voiced strong reservations about this approach. This is particularly evident in the notes of a meeting between the Scottish government and ASA to address concerns that the PAS would ‘duplicate the provisions governing the advertising of food’, leading to the ‘creation of a separate and contradictory standard’ that would ‘lead to confusion among Scottish consumers and industry’. Despite the efforts of Scottish policy makers to persuade the ASA to participate in the standard development process, the organization ‘did not believe it fruitful to engage with the PAS process’.

Furthermore, tension between industry interests and the PAS was visible at the second steering group meeting in September 2013. As the following interviewee involved in the process reflected:

> Public health advocate; ‘There was a series of stakeholder meetings that were planned I recall, two that actually took place. The first one [April 2013] was a scoping exercise to test enthusiasm in the room for taking it forward. What was interesting was that all the parties evinced, with one or two exceptions, enthusiasm to do something about this. When we came to the second meeting, at which there had been some preparatory work done, I could feel the food industry just beginning to sit back from the table and disengage. Clause by clause, comment by comment. And I remember at the end of the day seeing [representatives of] FDF, ASDA, and Tesco in a little huddle, and I thought to myself, ‘It’s dead now, isn’t it”.

These kinds of descriptions of a performative opposition to the PAS were evident across the interview data. For example, as the following interviewee reflects, the disposition of industry actors to engagement posed a significant challenge for constructive policy discussions:

> Mid-ranking civil servant: ‘We never really got any traction with it. We had two big meetings. The first to introduce the idea of it, and then the second meeting was really to take this forward. And it was quite a tough meeting. There was a lot of opposition from certain parties and basically

> non-interest in it from other parties at that second meeting. And it just never got beyond that nice idea.'

The tension between industry preferences and the PAS, which is directly referred to in the extracts above, reached an impasse with the issuing of a letter dated 2 October to the BSI co-signed from the SFDF, FDF, SRC, AA, and British Soft Drinks Association (BSDA). As the following extract illustrates, this reflected a shift towards a confrontational style of lobbying:

> '[…] it is with regret that we now find ourselves in the position of being unable to support the PAS 2500 and therefore the work of the BSI in developing the standard. There are a number of reasons why we have reached this conclusion
>
> First, following both the workshop event in April and the first Steering Group meeting on 17th September it has become clear to us that the BSI process is not the appropriate vehicle to deliver the outcomes which the Scottish government hopes to achieve through the draft specification. A PAS is, by definition, a *rigid set of requirements* and to be a signatory would force a *fundamental* change in the way in which manufacturers and retailers advertise, promote and sell a wide range of products, the economic impact of which should not be underestimated
>
> […] as is clear from the draft specification and from the discussion at the Steering Group, much of what is included in the PAS is *simply unworkable* […] given widespread concerns regarding its rigidity, workability, fairness and the high risk of unintended consequences in its implementation, we feel that we can no longer remain involved in developing the PAS 2500.'
>
> [My emphasis]

This text provided a 'definition of the situation' that communicated the corporate veto of negotiations, in which the public health aims of the PAS is framed as conflicting with core market strategies. While this made explicit what many interviewees implicitly felt about its progress, it is worth noting that the decision to exit negotiations signalled a more confrontational style of political lobbying from the trade associations of processed food and beverage companies. This suggests that industry actors had adapted their strategic action in response to the codified institutional setting of standards development (Woll and Jacquot 2010).

This adaptation of corporate political strategy appears to relate to strategic calculations related to the policy timing of the PAS, and its procedural sequencing. First, the political timing precluded industry actors from exploiting temporal opportunities to transfer ideas and practices across institutional settings. While the timing of policy developments in the Food Network had been strategically used to weaken target-based reformulation of HFSS products, this was not an option for the food industry given the first-mover position of the Scottish government. Second, the timing of the veto decision appears to relate to an awareness of the potential for path dependent 'lock-in' (Mahoney 2000), resulting from the rule-directed and codified norms of standards development. As Mattli and Büthe (2003) observe in their case study of ISO standards, decision processes make it progressively more difficult to alter proposals as it moves from informal planning and working group stages to technical committees. In this case, the timing of the letter appeared to exploit the 'window' of opportunity that existed between the Steering Group meeting in September, and a second phase of expert review and public consultation scheduled by the BSI to take place in October. Moreover, this logic is reflected in the consultation response of the SRC (a co-signatory of the withdrawal letter) to the *Supporting Healthy Choices* document (see Figure 2), submitted to the Scottish government on 3rd October. With regard to price promotion, it noted:

> '[…] all members have grave concerns about some of the technical details of this commitment […] there is a fear that this flexibility [of voluntary commitments] could give way for greater prescription. This suspicion was strengthened when we received the first copy of the BSI standard.
>
> Now we have seen the first draft version of the BSI standard on responsible marketing of food and drink, we have strong concerns about the future of some of the commitments covered in 'Supporting Healthy Choices: Draft Framework for Voluntary Action".

As outlined above, temporal aspects help explain the collective decision to unilaterally exit from negotiations. Yet, it is important to emphasise that the technical and opaque nature of the PAS meant that decision processes were neglected by the media, remaining hardly visible to the public (Papadopoulos 2003). As I explored in Chapter 6, the low visibility of decision making creates 'hidden actions' (Papadopoulos and Warin 2007) that industry actors can exploit without the reputational risk entailed in having to justify sectoral interests to the

public (Ulbert and Risse 2005). In this case, it is evident that industry withdrawal from the PAS was shielded from public scrutiny, with media interest limited to trade publications, such as *The Grocer*[11] and *Food Navigator*. Thus, non-participation clearly represented a preferable 'outside option' (Holzinger 2001) to a technical standard that threatened the market strategies of food companies.

As might be expected, the exit of *all* trade associations from negotiations triggered talks between the Scottish government and BSI that ended in the termination of its contract in November 2013. Email correspondence between Scottish policy makers during this period underlines the barriers to persuade industry actors to engage in the process. For instance, an email circulated within the Public Health Division on 3 October suggests 'it was apparent that - even before the letter arrived – holding onto those we did have was going to be a challenge'. The sentiment in this email are reinforced by the following interviewee involved in the PAS process:

> Mid-ranking civil servant; 'I don't think it was the letter as such, because the letter just confirmed the view that we had coming out of that second meeting, which was that it was going to be really difficult. We'd struggled to gain participation in that meeting from industry […] in terms of a positive outcome it wasn't there […] It just seemed like putting a square peg in a round hole, really. And I think at that point I was told that *the BSI had never had a standard fail'*.
>
> [My emphasis]

As the above quotation illustrates, policy makers appeared unable to see a realistic way to persuade industry actors to participate in the PAS process. Moreover, the interviewee emphasises that *even* the BSI – an organisation with a track record of successfully negotiating with industry – could not initiate meaningful policy discussions with food industry actors. This highlights the limits of consensus-oriented decision-making in policy areas that threaten the market strategies of food companies. Like the above civil servant, other interviewees referred to the meta-regulation of marketing practices as a particularly antagonistic policy issues for industry actors. For example:

[11] Email correspondence point to industry actors having leaked the withdrawal letter *The Grocer*, which then pressed the Scottish government for comment on the PAS process on 3 October.

> Public health advocate: 'The Scottish government still want to take action in this area, but I think the main issue seems to be how they can actually go further than the rest of the UK […] a lot of organisations weren't willing to engage in discussions and just wouldn't really take part in it'.
>
> Public health advocate: 'The British Standards Institute were quite bullish. The question had been asked, "what if you can't get consensus?" and they said: "that's never happened…oh it's happened once before". Well, this was obviously the second occasion that it wasn't possible to gain consensus. So, what did I take from that? That this is one of the trickiest issues, and it is the greatest challenge to businesses in terms of their [commercial] freedoms and profits. And to try and move towards any kind of self-restraint around marketing is probably impossible'.

In other words, the interview accounts presented in this section point to the limits of partnership in addressing marketing activities as a structural driver of ill health (Freudenberg 2012). The failure to develop a PAS on marketing, as the following interviewee points out, underlines a fundamental tension between food industry and public health interests that warrants a reconsideration of the self-regulatory approaches:

> Mid-ranking civil servant: 'If you think about it from the food industry's perspective, they exist to sell as much as possible. Promotion is a valuable vehicle for allowing them to do that. Then, unless your business is one that allows you to shift to a healthier product, then there's really no commercial benefit for you to sign up to this […] there's very little *real* interest for companies to do that unless they're being pushed'.

The argument being made here is distinct from the narrative that emerges from the Responsibility Deal, in which the RDFN Secretariat struggled to operationalize accountability mechanisms or shape policy decisions to achieve public health aims. In contrast, the Scottish government appeared committed to pursuing a divergent approach to the regulation of marketing activities, delegating policy functions to the BSI to develop an external certification that limited the discretion of the food industry. However, the acceptance of Scottish policy makers of the need for a more interventionist approach illustrates the limits of partnership as a policy instrument in addressing key drivers of diet-related ill health. As I have argued in this section, trade associations acted to block policy divergence through unilateral withdrawal from policy discussions, demonstrating the power of industry actors to undermine the effectiveness of

policy making. As many of the interview accounts presented here imply, there are clear limits in the type of policies that partnership can, or should, be expected to achieve where fundamental conflicts exist between food industry interests and those of public health.

7.5 Conclusion

This chapter has explored the operationalization of partnerships at the devolved level, and examines the role played by food industry actors in constructing barriers to policy divergence. The central claim of this chapter is that corporate strategies were a key barrier in constraining divergence from the institutional design and practices of the RD. This claim is structured into two key arguments. First, industry actors subverted proposals for mandated reformulation targets through venue shifting. Second, proposals for a self-regulatory code on marketing practices was explicitly opposed by industry actors, leading to the unilateral withdrawal from exploratory policy discussions. The findings presented here suggest that there are limits to what partnership working can achieve for public health where this diverges from the market strategies of food companies.

The first section of the chapter describes the policy landscape in Scotland, following the 2010 general election. This provides an overview of the impact of public bodies reform at the devolved level, highlighting the 'institutional void' that was created following the transfer of policy functions from the FSA. This argues that, in responding to this void, the SNP government transferred policy functions to the Public Health Division in 2010. The second section of the chapter provides an account of partnership working, which helps to explain the role of industry actors in transferring practices from the RD. This begins by detailing rhetorical commitments made by the SNP government to addressing the wider social and economic determinants of obesity. However, this analysis demonstrates that partnership working was viewed by policy makers as constitutive of the political context in Scotland. The section then explores how obesity policy was taken forward following the institutional dislocation of the FSA. As the analysis highlights, the SNP government appeared committed to mandated performance standards that had the potential to lead to meaningful

divergence with policies implemented under the RD. Yet, despite the framing of partnership working by government as a 'blank canvas', this ignores the way in which the institutional and political context in England determined policy approaches in Scotland. Moreover, this analysis shows that the political strategies of industry actors played an important role in transferring practices from the RDFN. The venue shifting strategies of industry actors are demonstrated through tracing negotiations over HFSS product reformulation. The third section reviews exploratory discussions over proposals for a self-regulatory code of responsible marketing. The section begins by describing PAS, and argues that this regulatory instrument represented an innovative potential solution to a policy issue reserved to Westminster. Yet, it is evident that industry actors shifted to a confrontational style of lobbying, in which the BSI failed to initiate even a *dialogue* with food companies about the potential for a technical standard on marketing. The account presented here suggests that limited policy divergence between UK and Scottish government approaches to partnership working may be understood as constrained by both the political strategies of industry actors, but also the challenges of regulating food companies for whom the Scottish market is marginal relative to the rest of the UK. This suggests that there exist clear limits to partnership working over issues in which the economic interests of food companies appear fundamentally in tension with public health aims.

Chapter 8. Conclusion: The politics of partnership and their implications for health governance

8.1 Introduction

This concluding chapter begins by providing an overview of the thesis and its relevance to understanding and conceptualising partnership as a distinctive mode of governance. The second section outlines the value added of the thesis to both political science and public health literatures, and argues that theories developed within the political sciences help to unpack the 'black box' of partnerships between governments and commercial sector actors. I argue that the tools of governance framework used in this thesis has the potential to complement the existing critical public health literature that has studied partnership working from an evaluation perspective (Knai et al. 2015; Durand et al. 2015; Petticrew et al. 2016; Jones et al. 2016; Kraak et al. 2014). In addition to the value added for critical public health, empirical research on health governance may prove conceptually useful for governance theorists in problematising the claims of the first generation of network governance research. The final section provides some brief reflections about future areas of conceptual and methodological research, making the case that a governance lens can help to problematise institutionalised ideas about partnerships with commercial sector actors.

8.2 Overview of the thesis

The thesis began by considering the emergence of partnership as a preferred governance tool of subnational, national, and transnational institutions and actors. It highlighted the proliferation of global health partnerships from the late 1990s (Buse & Harmer 2007) as an expression of a broader shift in political decision-making towards the inclusion of commercial sector actors in the formulation and implementation of public policy (Sørensen and Torfing 2007). Following this introduction, Chapter 2 begins with a narrative review of the academic literature exploring partnership. This began by describing the conceptual development of global health governance (GHG) as an analytical framework to explore the impact of globalisation on health, which focused on the market and political strategies of transnational tobacco companies (TTCs).

Moreover, it describes how the concept of unhealthy commodity industries has been used by public health scholars to question the presumption in favour of partnership with commercial actors, notably the alcohol and food industries. However, it is argued that public health research exploring the corporate activities of unhealthy commodity industries have given limited attention to recent developments within the political sciences. While scholars have focused on the input legitimacy and output effectiveness, this chapter suggests that what has been missing is a focus on the 'black box' of political decision-making. Accordingly, the remainder of this chapter focuses on three inter-related meso-level theories developed within sub-fields of political science: (1) theories of network governance, and specifically the concepts of metagovernance and multi-level governance; (2) accountability; (3) deliberative policy analysis.

In particular, this literature review illustrates the overlap between normative claims made in the first generation of network governance research, and the explicit claims made in policy statements about what partnerships could attain for public health in UK and Scottish contexts. The empirical findings of the thesis therefore examine and challenge the discourse and assumptions of both governance theorists and the policy claims of the Conservatives and later Coalition government. This overview describes the widespread view among governance theorists that networks offer an effective and efficient substitute for the state (Offe, 2009). This is disaggregated into three key assumptions. First, that the participation of non-state actors (notably the commercial sector) enhances capacity through resources and knowledge. Second, that the inclusion of non-state actors in policy formulation promotes compliance with rules, as those that bear the costs of compliance are involved in the negotiating process (Börzel and Panke 2007). Third, it is expected that non-state actors will approach decisional procedures with a commitment to negotiated solutions, and display an inclination for compromise-seeking (Papadopoulos & Warin 2007). Taking these assumptions as its starting point, the thesis focused on two related aspects of the policy and practice of partnership. First, it examined the extent to which discourses, visible in the academic literature on governance networks, were reproduced in government policy statements. The second, and more substantive, focus of the thesis, was to explore the relationship between the discursive construction of partnership and the actual practices that

characterised this mode of governance in the UK and Scottish context. In other words, the aim of the thesis was to develop a theoretically informed empirical account of partnership working in UK obesity policy, that critically assesses idealised normative models of partnership (Swyngedouw 2005).

Chapter 3 outlines the methodological approach of the thesis, and focuses on the use of an interpretive approach to studying policy, key informant interviews, and analysis of documents. This chapter is structured into three sections that explore: the methodological approach of the thesis and its empirical focus; practical details of fieldwork; and a reflexive account of doing interpretive research. Taken together, this provides a rationale for interpretive policy analysis, and explores conceptual and methodological debates about ways of doing interpretive analysis. Having described the interpretive turn in policy analysis, the chapter outlines the practicalities of interviewing before reviewing the methodological literature on interviewing 'elites'. This analysis problematises structural conceptualisations of power, and instead argues that temporal aspects help to conceptualise the exercise of power within the interview space. Drawing on my own experiences of interviewing, this demonstrates that interviewees used time boundaries to reshape the focus of interview questions and/or demarcate some topic as not-for-discussion. Similarly, a practical and reflexive account is presented for documentary analysis. This begins with an outline of the data generation process, describing the use of FOI to access documents related to partnership working and email correspondence between industry actors and public officials. The section then focuses on the use of frame analysis, and demonstrates how this framework was used to conceptualise frames as *policy stories* and frames as *practices*.

In terms of structure, three findings chapters focused on the RD (Chapters 4 – 6), while the final empirical chapter examined partnership working in Scotland (Chapter 7). This decision was informed by the research design and data generated from fieldwork (as discussed in the introduction to this thesis).

Chapter 4 explored the role of ideas in policy making, tracing the institutionalisation of partnership as the preferred governance tool for UK governments over the past two decades. This chapter draws on ideational

theories of policy change to help examine the translation of partnership as a policy idea, tracing this idea as it moved from the stakeholder capitalism of New Labour to market accountability under the Conservatives. The central argument presented here, is that the epistemic structure of this policy idea was transformed, in which third way concepts were substituted with a market logic of public accountability. The chapter first illustrates the modernising agenda of New Labour, detailing the institutionalisation of the FSA and the overarching idea of a third way between state-centric interventionism and neoliberal individualism. It highlights how third way ideas were embodied in partnerships with the food industry, underpinned by the notion of corporate stakeholding. This section also details the policy functions and remit of the FSA, demonstrating its mandated approach to industry self-regulation via the salt reduction program. Having established this background political context, the second and third sections of the chapter examine how partnership was reworked by the Conservatives. This is demonstrated by process tracing the transformation of ideational meanings over two key reports produced by the Conservative party in opposition [2008 – 2010]. This account highlights the malleability of partnership as a policy idea, in which the Conservatives worked to construct it as market-oriented while also retaining 'common-sense' meanings of partnership working as cooperative and equal. This section also captures the tension between the public health functions of the FSA and the preference of the Conservatives for health governance to be reserved to the core executive, illustrated with reference to FSA advocacy of traffic light labelling. The third section of the chapter examines the use of MoG to transfer policy functions from the FSA, and demonstrates how this was justified with reference to broader commitments to reduce the size and volume of 'quangos'. Chapter 4 represents a crucial stage in the thesis. It argues that the malleability of partnership was used by the Conservatives (as an opposition party in 2010) to construct a policy idea that displaced responsibility from government, and framed obesity as an issue that *should* be displaced to the market. The chapter therefore identifies key discourses that are key to understanding the institutional design and decision-making practices of the RD. The added value of this chapter is that it demonstrates the political contingency of partnership, illustrating how this idea may be transformed and translated.

Chapter 5 explores accountability within the RD. The substantive focus of this chapter was the gap between the institutional design and operationalization of accountability mechanisms. This uses (de)politicization as a bridging concept between the meso-level theory of meta-governance and micro-level accountability processes, as a lens to explore the use of hands-off metagovernance tools to displace responsibility from the state. The findings suggest that network framing and institutional design were used as tools to depoliticise accountability, in which the shift to informal political spaces reflected explicit depoliticising processes intended to limit government responsibility for accountability. However, this process of governmental depoliticization did not lead to politicization in the market or public sphere. Instead, the shift in decision-making to informal spaces resulted in a paradoxical politics, in which the low visibility of the Responsibility Deal undermined attempts to politicise corporate practices. More specifically, the findings highlight the assumption that decision-making processes would attract media interest, which would subsequently create market incentives for high regulatory standards. Yet, it is clear from the interview data that there existed no reputational risk for industry actors that did not participate. Although this finding may seem unsurprising, it is crucial in problematising the idea that partnerships between the state and non-state actors unambiguously offer a substitute for traditional forms of regulation. In contrast, the analysis presented in Chapter Five challenges the assumption that partnership with commercial sector actors offers 'more progress, more quickly, and with less cost than legislation' (DH 2011: 2).

Chapter 6 builds further on the account presented in Chapter 5, examining decisional processes within the Food Network of the Responsibility Deal using two in-depth empirical case studies. First, it describes the ad hoc procedural rules and informal working practices of this working group, which framed decision-making as a deliberative process of negotiation between state and non-state actors. Consequently, this positioned non-state actors as both rule-takers and rule-makers, involving industry actors in policy formulation and implementation. While partnership documents framed the co-formulation of policies as a mechanism to develop shared priorities, the findings presented in Chapter 6 demonstrate that industry actors exploited opportunities to shape the rules of the game to redraft policy commitments in ways aligned with their

economic interests. This chapter draws on Koppell's (2005) concept of 'multiple accountabilities disorder' and Goffman's (1959) famous distinction between frontstage and backstage to explore the operationalization of informal governance, using two empirical case studies. The first case study examines the negotiation of procedural rules, reconstructing decision-making processes through drafts of a 'collective pledge'. This focuses on drafts of the Calorie Reduction pledge, as a priority area for the Food Network, and outlines conflictual decisional processes between DH officials and industry actors. The findings of this reconstruction demonstrate visible conflict between the Food Network Secretariat and trade associations over the language and scope of self-regulatory commitments, illustrated empirically through teasing apart the draft processes. From this, it is clear that industry actors were able to exploit opportunities for policy influence, which resulted in substantive and far-reaching recontextualization of draft commitments that displaced responsibility from the food industry to consumers.

The chapter then offers an account of negotiations over the drafting of a monitoring framework. While the government, as discussed in Chapter 5, divested itself of responsibility for enforcing industry compliance, the expectation was that companies would publish annual performance reports that provided reliable information about compliance. Yet, the data presented in this case study similarly underline the policy influence of industry actors in blocking proposals for reporting of quantitative data. The detailed empirical analysis of decision-making across both case studies problematizes assumptions of partnership working as collaborative and consensus-oriented. In contrast to the expectation that negotiations would lead industry actors to seek reasoned consensus, analysis of decisional procedures reveals that communicative action was characterised by bargaining processes between DH officials and industry representatives. Taking place in the 'back stage' of email correspondence, the negotiated outcome of bargaining reflected the preferences of industry actors for flexible codes of conduct and non-committal information reporting. Empirically, the chapter illustrates how commercial sector actors can exploit informal spaces of governance to shape the rules of the game to align with their economic interests. Conceptually, it demonstrates the importance of tracing institutional practices and the useful analytical metaphor

of front and back stages of policy making in conceptualising how actors engage with their institutional context.

Between them, the data presented in Chapters Five and Six challenge key assumptions of both the scholarly literature on governance networks, and the discourses within policy statements released under the Coalition government. While it may seem self-evident that partnerships between government and commercial sector actors might be incapable of effectively resolving tensions between public health and economic objectives, the thesis helps explain *how* institutional design and informal governance arrangements created new political spaces in which industry actors exercised influence over the rules of the game. It is important to recognise that corporate political strategies depended on the transfer of responsibility to industry actors, as part of an attempt by government to depoliticise public health policy making. Accordingly, while the policy agenda of the government was successfully eroded by industry actors, it is also clear that the food (and alcohol) industry were discursively constructed as legitimate actors that *should* have an influence on policy making. A core focus of the thesis is, therefore, the complex interplay between informal institutional arrangements and the concrete actions of industry actors.

The final empirical chapter explores the institutionalisation of partnership at the devolved level in Scotland, focusing on how the SNP government responded to institutional change implemented by the Coalition government following the 2010 general election. This chapter uses the narrative of policy divergence popular in health policy accounts of political devolution, as a lens to explore obesity policy. The first section explores the 'institutional void' that emerged following the transfer of policy functions from the FSA, as part of the Coalition government's public bodies reform. This account highlights the institutional dislocation that followed the breakdown of the FSA, in which the Scottish government closed this void by establishing an independent food standards body. These temporal dimensions are crucial to understanding partnership working at the devolved level, in which political decision making at the UK level operated to restructure policy space at the devolved level. This is evident in the data from interviews with policy makers in Scotland, who viewed the RD as shaping the institutional design of partnership working between government and

the food industry. Thus, despite the framing of partnership by the government as a 'blank canvas', it is evident that the institutional and political context in England shaped partnership working in Scotland. Moreover, the findings presented in this chapter demonstrate that industry actors played an important role in transferring practices from the RDFN. The venue shifting strategies of industry actors, illustrated though process tracing of negotiations over HFSS product reformulation, underline the role of trade associations as boundary spanners between multiple levels of governance. The chapter concludes by providing an account of exploratory discussions over PAS. It describes the parameters of this regulatory instrument, and argues that it represented an innovative potential solution to a policy issue reserved to Westminster. However, the section outlines the failure to initiative even a *dialogue* with food companies over a self-regulatory code. This highlights a shift by industry to a confrontational style of lobbying, leading to their withdrawal from negotiations at an early stage in the PAS process. The account presented in this section suggests that policy divergence in marketing practices was constrained by both the political strategies of industry actors, but also the challenges of regulating food companies for whom the Scottish market is marginal relative to the rest of the UK. Overall, this suggests that there are likely to be clear limits to partnership working over issues in which the economic interests of food companies appear fundamentally in tension with public health aims.

8.3 The wider significance of the thesis

This thesis was motivated by an interest in the role of corporations in the setting and implementation of policy, in which commercial sector actors take on governance functions that used to come under the formal authority of the state (Börzel 2011). As described above, the empirical findings illustrate the policy influence of the commercial sector, facilitated by the institutional design of partnerships in UK obesity policy that positioned food industry actors as rule makers and co-producers of policies. The aim of the thesis is to attempt to unpack *how* the food industry optimise their policy influence through partnership with government, drawing on meso-level governance theories as a lens to conceptualise the interplay between ideas, interests, and institutions. In researching corporations using theories developed in the political sciences, it is

hoped that the relevance of the thesis will extend beyond the public health literature and provide a paradigm case of the limits of governance networks in addressing the commercial drivers of health.

As stated in Chapter 2, empirical research of unhealthy commodity industries is surprisingly limited in the political science literature. As Börzel (2011) argues, there is more research on successful network governance arrangements than there is on failure. This selection bias in empirical research appears to reflect a wider neglect of business power by political scientists. Seminal works by Lindblom (1977) and Galbraith (1977) focused attention on the structural power of business. As Galbraith observes in *The Age of Uncertainty*:

> 'The institution that most changes our lives we least understand or, more correctly, seek to misunderstand. That is the modern corporation. Week by week, month by month, year by year, it exercises a greater influence on our livelihood and the way we live than unions, universities, politicians and government'.
>
> (1977)

Hacker and Pierson (2002) suggest that the growing interest of political scientists with institutions resulted in insufficient attention among political scientists over how corporate political influence is exerted. As Culpepper (2011: 185) argues in his work on business power and democratic politics, scholarship on this issue is 'currently more neglected than it has been for the last half century'. A sentiment shared by other political scientists researching the role of business, such as Fuchs (2005), Vogel (2003) and Bell (2012). Yet, the findings of this thesis suggest that the political science literature would have much to gain from empirical research that challenges the discourses and assumptions of networks as effective modes of governance. In this regard, the thesis contributes to the scholarship on governance networks through its problematisation of the idea that partnerships between government and commercial sector actors offer a substitute for traditional forms of state intervention. The added value for public health is that governance theories offer a framework for conceptualizing the political agency of unhealthy commodity industries. This emphasis on practices and institutional design provides a particularly useful framework for describing and analysing the institutionally-

situated actions of state and non-state actors. As the findings of Chapters Four to Seven highlight, core assumptions of the network governance literature are confounded by the political strategies of unhealthy commodity industries to oppose policies that impose costs or threaten profit maximization. The analysis developed here suggests that fundamental tensions between public policy and economic interests preclude the type of collaborative networks that have been conceptualised within the political science literature as effective and legitimate solutions to complex policy problems (Mayntz 2002). Despite the proliferation of partnerships between governments and unhealthy commodity industries in global and public health, and the challenge this constitutes for legitimate public health aims, this has remained a conceptual and empirical 'blind spot' for this literature. Sørensen and Torfing (2014) suggest that a second generation of research has expanded beyond a theoretical and empirical interest in networks as an ideal-type mode of governance (alongside hierarchies and markets), to focus on the implications of this mode of governance. For example, its implications for democratic legitimacy (Klijn and Skelcher, 2007; Papadopoulos, 2003; Sørensen and Torfing, 2009), depoliticization (Fawcett and Wood, 2017), and the use metagovernance tools (Bailey and Wood, 2017; Bell and Park, 2006; Temmerman et al., 2015). However, while the governance paradigm is becoming increasingly sensitive to central aspects of democratic theory, a core challenge remains to explore the centrality of corporate actors for this mode of governance.

Second, the thesis makes a conceptual contribution to the public health literature by developing a framework that helps explain the complexity of policy making within collaborative governance. As described in Chapter Two, this research focuses on the meso-level concepts of metagovernance and multi-level governance that link to micro-level accountability and decisional processes. Empirically, I show the added value of both the metagovernance and multi-level concept to shed light into the 'black box' of governance. First, metagovernance provides a conceptual tool to explore how governments operationalize ideas, and analyse the continued role of the state in the discursive framing and institutional design of partnership. This provides a framework to explore the means through which government claims about partnership working are not actualized in practice. Second, the concept of multi-

level governance offers crucial insights into temporal aspects of decision-making and how non-state actors move across traditional spheres of political authority (Skelcher 2005). Put simply, the governance lens provides an analytical toolkit that is suited to researching complex institutional practices, in which government and commercial sector actors formulate policy in a collaborative manner. This added value is demonstrated across the findings chapters: Chapter 4 reflects on how partnership is mediated ideationally through policy discourses, and illustrates how this policy idea is transformed as it moves between political actors. A focus on processes of institutionalisation can help to generate questions for empirical research that critically assess the malleability of partnership and its implications for what it can attain for public health; Chapter 5 demonstrates the conceptual usefulness of metagovernance in unpacking accountability. The analysis presented in this chapter underlines governmental strategies to displace responsibility for public health, exploring how institutional design and framing can be used as tools by governments. The added value for public health research, is that this conceptual framework helps to unpack the role of government in partnership working; Chapter 6 employs the analytical metaphor of a front and back stage of policy making to trace the activities of food industry actors. This metaphor helps to explain *where* and *when* industry actors have attempted to influence political decision-making, both of which are pressing questions for scholars interested in corporate political strategies; Chapter 7 illustrates how industry actors exploit opportunities created by functional overlaps across different levels of governance, a central dimension of public health studies of corporate activities. In summary, this thesis very clearly demonstrates the added value of political science in conceptualizing the institutional practices of partnership and their impact on public health.

Moreover, it provides a useful analytical framework to examine policy making processes that are not adequately captured in theories of regulatory capture (Stigler, 1971), which focus on the 'capture' of regulatory agencies by interest groups through subverting the regulatory process. For example, Carpenter and Moss (2013) observe myriad strategies of political influence, exemplified by the revolving door dynamic between regulatory agencies and private sector. Indeed, the theory of regulatory capture has been used by public health scholars to conceptualise the policy influence of unhealthy commodity industries

(McCambridge et al 2013; Miller and Harkins 2010). For instance, Mindell and colleagues (2012: 3) characterise the Responsibility Deal as the denouement of corporate capture, 'in which committees dominated by industry agree programmes ostensibly intended to tackle the health problems arising from the products they manufacture or distribute'. Yet, the concept of capture might be intrinsically problematic for informal governance based on cooperation and partnership in networks, in which unhealthy commodity industries are explicitly framed as legitimate stakeholders in collaborative policy making. In this regard, the idea of partnership having been 'captured' by industry actors appears to preclude exploring the purposeful action of governments in operationalizing this mode of governance, and how industry actors adapt corporate strategies to maximise their policy influence in this type of institutional context. The conceptual analysis and data presented in this thesis marks an attempt to move beyond the notion of 'capture', exploring how corporate influence is exercised in discursive and participatory decision-making processes that allow industry actors to exploit weaknesses in institutional design and use their status as co-producers to shape the 'rules of the game'. In other words, there is need for research that improves our understanding of unhealthy commodity industries as key stakeholders in informal governance, and the implications for public health policy. The conceptual argument of this thesis is that the political science literature provides a toolkit to unpack the interactions between governments and corporations, in which policy formulation is coordinated within and across public and private spheres.

8.4 Limitations

The findings presented in this research suggest that food industry actors exerted influence on policy positions in partnership. Yet, it is plausible that the case studies utilised to empirically demonstrate the micro-political processes of corporate political strategies, under-estimate the extent and scale of this policy influence. First, the account developed in Chapter 6 demonstrates that the 'rules of the game' were shaped in the back stage of negotiations. However, it is important to note that this chapter reconstructs the drafting of the calorie reduction pledge, which was one of 6 voluntary commitments negotiated between DH officials and food industry actors. The PIRU evaluation of the

RDFN found little evidence that negotiated agreements in the additional 5 pledges were effective (Knai *et al* 2015), which suggests that industry actors exploited opportunities for policy influence in related policy areas (notably salt reduction and front-of pack labelling). Second, this case study of informal governance is based on a sample of email correspondence between FDF representatives and policy makers over a two-year period. While the analysis of these documents support the idea that the FDF was a powerful actor in shaping policy commitments, it should be noted that the rationale for narrowing FOI requests to this actor was determined by the time-consuming nature of this method of data generation (as outlined in Chapter 3). As such, it seems likely that FOI requests for interactions between policy makers and other industry actors would generate data on back stage decision-making processes that are not captured in this research. Third, in tracing email correspondence, this research examines an important dimension of informal governance, but does not capture other back stage practices. The following interviewee, for example, reflects on the informal interactions s/he observed in their role as a public health advocate:

> Public health advocate: '[…] you can spend half an hour in the queue waiting to get through security into Westminster [..] you would stand there and have a look to see who else is there. I would frequently see the [senior representative from trade association] in the queue and [their] job was to be in parliament a lot. And then you have other examples where senior members of big food companies turn up to meetings, going up to the main civil servant, giving them a kiss on both cheeks, you know – you witness that and think 'OK, there's something going on there'. Does that equal [industry] capture? You just sort of think, 'these people are making a very, *very* conscious effort to be close to these people'.

As the above quotation hints, the back stage includes informal relationships that help to build interpersonal relationships and exert 'soft power' (Blomqvist 2016). Yet, in order to observe the *politics du couloir* (Wodak 2009: 4), researchers must negotiate access to arenas where informal interactions take place (Gains 2011). Negotiating this access is likely to be particularly difficult for decision-making between policy makers and commercial sector actors, which helps explain the mapping of informal governance using data generated from FOI requests.

Finally, it is worth noting that several policy makers directly involved in the PG and RDFN declined to participate in this research. As Chapter 3 outlined, the low response rate to interview requests from DH officials appeared to stem from perceptions of the RD as a policy failure. Although interviews with individuals involved in the RD would have produced additional insights into decision-making processes, the findings presented in this thesis suggest that the data generated would have further strengthened its key findings.

8.5 Key contributions and future research

The thesis has made a distinctive contribution to the public health and political science literature by analysing the 'black box' of partnerships charged with encouraging food industry self-regulation to address obesity policy concerns in England and Scotland between 2010 – 2015. The argument has been that corporate interests have optimised their policy influence through informal governance, and blocked attempts by government to more effectively regulate their activities. The conclusion is, perhaps unsurprisingly, that partnerships between government and food industry actors should raise serious concerns about what they can be expected to attain for public health. The findings presented focus on the UK context and do not attempt to make claims about the operationalization of partnerships in other political contexts. However, it is evident that the RD is considered by many scholars and advocates within the public health community as an exemplar of voluntary agreements between government and industry. For example, and as discussed in the introduction, Moodie *et al* (2013: 675) refer to the Responsibility Deal as embodying the type of self-regulation that has become 'the default approach of many governments and the UN'. The remainder of this sub-section outlines what I feel to be key contributions of the thesis to understanding this partnership.

1. Ideas

The findings presented in this thesis suggest that partnership embodies an idea that implies an attempt to democratize policy making through the inclusion of affected non-state actors in decision-making, and is synonymous with political 'feel good' standards of contemporary governance, such as transparency,

accountability, participation, and deliberation (Busuioc 2013). As discussed in Chapter Four, the discursive representation of this idea in policy documents explicitly links partnership working to a logic of collaboration and a shared interest in realising public health aims. Indeed, the very idea of a *responsibility* deal implies a form of governance in which negotiated interaction between governments and stakeholders can overcome adversarial modes of policy making (Ansell & Gash 2008). The empirical findings of this thesis reiterate criticisms of these assumptions that have already been made in the public health literature (e.g. Hawkes and Buse 2011), challenging the 'feel good' factor of partnership. More specifically, that political actors frame collaboration with the food industry in ways that promote particular aspects of partnership, promoting some elements and discarding others. This is described in Chapter Four, which traced how the Conservative party reconfigured this idea, replacing third way discourses with the terminology of market-driven accountability. The argument here is that the vague, aspirational language of partnership provides a malleable discourse that can be reconciled with different reform priorities. Thus, while this concept is discursively constructed as a legitimate and effective mode of governance (Buse & Hamer 2004), it is important to recognise that partnership has a conceptual flexibility that political actors can use to influence and reform public health policy according to differing interpretations of the role and responsibilities of state and non-state actors. As described in this thesis, partnership was used by the Coalition government to divest itself of policy responsibility and displace this issue to the market. The key point here is that this malleability of partnership may be used by actors to operationalize partnerships that are unable to effectively address tensions between the interests of corporate actors and those of public health.

2. Institutions

The thesis also explored the operationalization of partnership ideas, focusing on the complexities of informal governance and its impact on accountability and decision-making processes. Describing these micro-political interactions also helps highlight wider dynamics of policy making that are likely to have implications in other political contexts. Following the structure of the thesis, this differentiates between the quiet politics of partnership, and the potential

spillovers of partnership working for other jurisdictions. First, a key finding of this thesis is the low political salience of partnership, and corresponding low visibility of partnership in media reporting. This point is crucial, as it highlights the accountability vacuum that emerges in modes of governance that are not easily accessible to external scrutiny (Papadopoulos 2003). While the RD transformed into an interesting narrative following the publication of the PIRU evaluation, the media largely neglected the operational routines and policy output of the RDFN. This suggests that market accountability is not achieved by simply displacing responsibility from government, and indeed may work to undermine public accountability.

In addition, and as discussed in Chapters 5 - 6, the displacement of political decision-making to informal spaces of governance afforded an opportunity for industry actors to exert policy influence in the absence of public attention. This does not suggest that accountability mechanisms based on reputational risk can never produce public goods. For example, Forest Stewardship Council (FSC) sustainability certification operates (in principle) according to a market-driven logic based on the expectation that consumers will demand environmentally sustainable products (Bernstein & Cashore 2002). This certification scheme has, however, been spearheaded by a coalition of environmental NGOs that create reputational risk through high-profile media campaigns (Cashore et al 2007). As Bartley (2003) observes, a key driver of forest certification was the sustained pressure exerted through social movement campaigns that targeted deforestation practices and scrutinised corporate environmental responsibility. The point here is that NGOs played a crucial role in industry commitments to certification initiatives. Yet, the strong market incentives of FSC certification (Chan and Pattberg, 2008) can be contrasted with markedly less effective accountability regimes in obesity policy. On one hand, this reflects the remarkable path-breaking change in forest governance (Bartley, 2014). On the other, it highlights the barriers to politicising corporate practices and the necessary agenda-setting function of NGOs. As Chapter 5 demonstrates, informal governance may operate to undermine market accountability, particularly if governments use partnership with commercial sector actors to divest themselves of responsibility for public health policy making. Second, the thesis argues that the operationalization of ideas at the UK level may restructure

or reduce policy space at the sub-national level (Skelcher 2005), in which functional overlaps allow industry actors to operate across levels of governance. While this research focuses on policy divergence following UK devolution, future research might explore interdependencies across jurisdictions and how this may form the basis of corporate political strategies to block or avoid unwelcome regulation.

3. Interests

A key finding of this thesis is that food industry actors were able to exploit informal spaces of governance to optimise their policy influence. As such, it is unsurprising that unhealthy commodity industries have promoted partnerships as a governance tool to address the contribution of tobacco use, unhealthy diet, and harmful alcohol consumption to the global burden of non-communicable diseases (Gilmore et al. 2011; Moodie et al. 2013). The empirical findings of this thesis illustrate *how* industry actors have exploited opportunities for policy influence, exploring the use of back stage negotiations to shape the rules of the game and avoid unwelcome regulatory standards. Moreover, Chapter Seven examines the highly confrontational methods that industry actors used to veto proposals for external certification of marketing practices, and the use of temporal venue shopping strategies to block divergence from informal governance practices. All this suggests that partnership between government and unhealthy commodity industries provide industry actors with the means to shape the rules of the game in ways that align with their economic interests.

A central focus of this thesis is that the governance and critical public health literatures have much to gain from each other. This research project has pointed out the overlap between assumptions of governance theorists and policy claims about partnerships, but also demonstrates the added value of conceptual tools developed in the political sciences. However, as with any research project, the interpretive process of describing and analysing this policy issues raises multiple questions and mini-theories that could be explored in future research. This could involve examining how partnership working may have changed over the past 5 years, or food industry engagement with the Treasury following the implementation of SDIL. This research also raised the issue of the mediatization

of policy making and its impact on public accountability, which future research could explore in greater depth. More broadly, and as argued in Chapter 2, what is missing from the public health literature is a focus on the 'black box' of political practices that constitute partnership. This thesis argues that the political sciences provide analytical frameworks to conceptualize health governance, focusing on the processes through which commercial sector actors influence public health policy making.

References

Aaron, D., and Siegel, M. (2016) 'Sponsorship of National Health Organizations by Two Major Soda Companies'. *American Journal of Preventive Medicine*, 52(1)

Aberbach, J., and Rockman, D. (2002) 'Conducting and Coding Elite Interviews'. *Political Science and Politics* 35 (4): 673–76.

Abeysinghe, S. (2012) '"Because We All Know That Vaccines Are an Extremely Effective Public Health Tool": Path Dependency, H1N1 and the World Health Organisation'. *Policy Studies* 33 (5): 381–97.

Alexander, E, Yach, D. and Mensah, G. (2011) 'Major Multinational Food and Beverage Companies and Informal Sector Contributions to Global Food Consumption: Implications for Nutrition Policy'. *Globalization and Health*, 7.

Allen, J. (2003) *Lost Geographies of Power*. Wiley-Blackwell.

Allen, L., Williams, J., Townsend, N., Mikkelsen, B., Roberts, N., Foster, C. and Wickramasinghe, K. (2017) 'Socioeconomic Status and Non-Communicable Disease Behavioural Risk Factors in Low-Income and Lower-Middle-Income Countries: A Systematic Review'. *The Lancet Global Health* 5 (3): e277–89.

Alvesson, M. and Sköldberg, K. (2000) *Reflexive Methodology: New Vistas for Qualitative Research*. London: Thousand Oaks, Calif: SAGE Publications Ltd.

Ansell, C. and Gash., A. (2008) 'Collaborative Governance in Theory and Practice'. *Journal of Public Administration Research and Theory* 18 (4): 543–71.

Austin, J. L. (1975) *How to Do Things with Words: Second Edition*. Edited by J. O. Urmson and Marina Sbisà. 2 edition. Cambridge, Mass: Harvard University Press.

Ayres, I. and Braithwaite. J. (1992) *Responsive Regulation: Transcending the Deregulation Debate*. Oxford University Press.

Ayres, S. (2017) 'Assessing the Impact of Informal Governance on Political Innovation'. *Public Management Review* 19 (1): 90–107.

Bache, I. (2010) 'Partnership as an EU Policy Instrument: A Political History'. *West European Politics*, 33 (1): 58–74.

Bache, I., Bartle I. and Flinders, M. (2016) 'Multi-Level Governance'. In Ansell. C and Torfing J. (eds.*) Handbook on Theories of Governance*. Edward Elgar Publishing.

Bache, I., Ian Bartle., Flinders, M. and Marsden, G. (2015) 'Blame Games and Climate Change: Accountability, Multi-Level Governance and Carbon Management'. *The British Journal of Politics & International Relations,* 17 (1), 64–88.

Bache, I. and Flinders, M. (2004) *Multi-Level Governance*. Oxford University Press.

Bache, I. and Olsson, J. (2001) 'Legitimacy through Partnership? EU Policy Diffusion in Britain and Sweden'. *Scandinavian Political Studies*, 24 (3): 215–37.

Bäckstrand, K. (2010) 'From Rhetoric to Practice: The Legitimacy of Global Public–private Partnerships for Sustainable Development'. In Bexell, M. and Mörth, U. (Eds.) *Democracy and Public–Private Partnerships in Global Governance.* Palgrave Macmillan: Basingstoke, 145–166.

Baggott, R. (2013) *Partnerships for Public Health and Well-Being: Policy and Practice*. Palgrave Macmillan.
Bailey, D. and Wood, M. (2017) 'The Metagovernance of English Devolution'. *Local Government Studies*, 43 (6), 966–91.
Balbach, E. D., Gasior, R. and Barbeau, E. (2002) 'Tobacco Industry Documents: Comparing the Minnesota Depository and Internet Access'. *Tobacco Control*, 11 (1), 68–72.
Baldwin, R., Cave M. and Lodge M. (eds.) (2010) *The Oxford Handbook of Regulation*. New York: Oxford University Press.
Barbazza, E. and Tello, J. (2014) 'A Review of Health Governance: Definitions, Dimensions and Tools to Govern'. *Health Policy*, 116 (1), 1–11.
Barling, D. and Lang, T. (2003) 'The Politics of UK Food Policy: An Overview'. *The Political Quarterly,* 74 (1), 4–7.
Bartley, T. (2014) Transnational governance and the re-centered state: Sustainability or legality? *Regulation & Governance* 8, 93–109.
Bartley, T. (2003) 'Certifying Forests and Factories: States, Social Movements, and the Rise of Private Regulation in the Apparel and Forest Products Fields'. *Politics & Society,* 31 (3), 433–64.
Bates, S., Jenkins, L. and Amery, F. (2014) '(De)Politicisation and the Father's Clause Parliamentary Debates'. *Policy & Politics,* 42 (2), 243–58.
Baum, Fran., Sanders, D., Fisher, M., Anaf, J., Freudenberg, N., Fried, S. and Labonté, R. (2016) 'Assessing the Health Impact of Transnational Corporations: Its Importance and a Framework'. *Globalization & Health,* 12, 1–7.
Baumgartner, F. (2007) 'EU Lobbying: A View from the US'. *Journal of European Public Policy* 14 (3), 482–88.
Beck, U. (1994) *Reflexive Modernization: Politics, Tradition and Aesthetics in the Modern Social Order*. OUP: Polity Press.
Behn, R. (2001) *Rethinking Democratic Accountability*. Washington, D.C: Brookings Institution Press.
Béland, D. (2005) 'Ideas and Social Policy: An Institutionalist Perspective'. *Social Policy & Administration,* 39 (1), 1–18.
———. 2009. 'Ideas, Institutions, and Policy Change'. *Journal of European Public Policy,* 16 (5), 701–18.
Bell, S. (2012) The Power of Ideas: The Ideational Shaping of the Structural Power of Business. *International Studies Quarterly* 56, 661–673.
Bell, S. and Hindmoor, A. (2009) *Rethinking Governance: The Centrality of the State in Modern Society*. Cambridge University Press.
——— (2012) 'Governance Without Government? The Case of the Forest Stewardship Council'. *Public Administration,* 90 (1), 144–59.
Bell, S., Hindmoor, A., and Mols, F. (2010) 'Persuasion as Governance: A State-Centric Relational Perspective'. *Public Administration,* 88 (3), 851–70.
Bell, S. and Park., A. (2006) 'The Problematic Metagovernance of Networks: Water Reform in New South Wales'. *Journal of Public Policy,* 26 (1), 63–83.
Benford, R. and Snow, D. (2000) 'Framing Processes and Social Movements: An Overview and Assessment'. *Annual Review of Sociology,* 26, 611–39.
Benz, A. and Papadopoulos, Y. (2006) *Governance and Democracy: Comparing National, European and International Experiences*. Routledge.
Berman, S. (2001) 'Ideas, Norms, and Culture in Political Analysis'. *Comparative Politics,* 33 (2), 231–50.

Bernier, N. and Clavier, C. (2011) 'Public Health Policy Research: Making the Case for a Political Science Approach'. *Health Promotion International*, 26 (1), 109–16.

Bernstein, S. and Cashore, B. (2007) 'Can Non-State Global Governance Be Legitimate? An Analytical Framework'. *Regulation & Governance,* 1 (4), 347–71.

Bero, L. (2003) 'Implications of the Tobacco Industry Documents for Public Health and Policy'. *Annual Review of Public Health,* 24 (1), 267–88.

Beveridge, R. (2012) 'Consultants, Depoliticization and Arena-Shifting in the Policy Process: Privatizing Water in Berlin'. *Policy Sciences,* 45 (1), 47–68.

Beveridge, R. and Naumann, M. (2014) 'Global Norms, Local Contestation: Privatisation and de/Politicisation in Berlin'. *Policy & Politics*, 42 (2), 275–91.

Bevir, M. (1999) *The Logic of the History of Ideas*. Revised ed. edition. Cambridge: Cambridge University Press.

———. 2005. *New Labour: A Critique*. 1 edition. London: Routledge.

Bevir, M. and O'Brien, D. (2001) 'New Labour and the Public Sector in Britain'. *Public Administration Review*, 61 (5), 535–47.

Bevir, M. and Rhodes, R. (2003) *Interpreting British Governance*. Routledge.

———(2004) 'Interpreting British Governance'. *The British Journal of Politics and International Relations* 6 (2): 130–36.

Black, J. (2008) 'Constructing and Contesting Legitimacy and Accountability in Polycentric Regulatory Regimes'. *Regulation & Governance,* 2 (2), 137–64.

Blyth, M. (2002) *Great Transformations: Economic Ideas and Institutional Change in the Twentieth Century*. Cambridge Core.

——— (2003) 'Structures Do Not Come with an Instruction Sheet: Interests, Ideas, and Progress in Political Science'. *Perspectives on Politics* 1 (04): 695–706.

——— (2013) 'Paradigms and Paradox: The Politics of Economic Ideas in Two Moments of Crisis'. *Governance*, 26 (2), 197–215.

Bondi, L. (2003) 'Empathy and Identification: Conceptual Resources for Feminist Fieldwork'. *ACME: An International Journal for Critical Geographies,* 2 (1): 64–76.

Börzel, T. (1998) 'Organizing Babylon - On the Different Conceptions of Policy Networks'. *Public Administration* 76, (2), 253–73.

———(2002) 'Member State Responses to Europeanization'. *JCMS: Journal of Common Market Studies* 40, (2), 193–214.

——— (2011) 'Networks: Reified Metaphor or Governance Panacea?' *Public Administration,* 89 (1), 49–63.

Börzel, T. and Panke, P. (2007) 'Network Governance: Effective and Legitimate'. In Sørensen, E. and Torfing, J (Eds.) *Theories of Democratic Network Governance*. Palgrave Macmillan.

Börzel, T. and Risse, T. (2005) 'Public-Private Partnerships: Effective and Legitimate Tools of International Governance'. In Grande, E. and Pauly, L. (Eds.) *Complex Sovereignty: Reconstructing Political Authority in the Twenty First Century,* 195–216.

———(2010) 'Governance without a State: Can It Work?' *Regulation & Governance,* 4 (2), 113–34.

Boseley, S. (2011) 'Lansley's Health Strategy Flounders as More Organisations Refuse to Join'. *The Guardian*, 15 March 2011.

Boswell, C. (2012) ‘How Information Scarcity Influences the Policy Agenda: Evidence from U.K. Immigration Policy’. *Governance,* 25 (3), 367–89.
———(2015) ‘The Double Life of Targets in Public Policy: Disciplining and Signalling in UK Asylum Policy’. *Public Administration,* 93 (2), 490–505.
Boswell, C. and Hampshire, J. (2017) ‘Ideas and Agency in Immigration Policy: A Discursive Institutionalist Approach’. *European Journal of Political Research,* 56 (1), 133–50.
Boswell, J. and Corbett, J. (2015) ‘Embracing Impressionism: Revealing the Brush Strokes of Interpretive Research’. *Critical Policy Studies* 9 (2): 216–25.
Botterill, L. and Daugbjerg, C. (2015) ‘Commensalistic Institutions and Value Conflicts: The World Trade Organization and Global Private Food Standards’. *European Political Science Review,* 7 (1), 23–42.
Bovens, M. (1998) *The Quest for Responsibility: Accountability and Citizenship in Complex Organisations*. Cambridge University Press.
——— (2007) ‘New Forms of Accountability and EU-Governance’. *Comparative European Politics,* 5 (1), 104–20.
Bovens, M., Goodin, R. and Schillemans, T. (eds.) (2014) *The Oxford Handbook of Public Accountability*. New York, NY: OUP Oxford.
Bradbury, J. and Mitchell, J. (2005) ‘Devolution: Between Governance and Territorial Politics’. *Parliamentary Affairs,* 58 (2), 287–302.
Bradshaw, M. (2001) ‘Contracts and Member Checks in Qualitative Research in Human Geography: Reason for Caution?’ *Area,* 33 (2), 202–11.
Brammer, S., Jackson, G. and Matten, D. (2012) ‘Corporate Social Responsibility and Institutional Theory: New Perspectives on Private Governance’. *Socio-Economic Review,* 10 (1), 3–28.
Broadwater, I. and Kaul, I (2005) ‘Global Public-Private Partnerships’. UNDP/ODS, Background Paper. New York, NY.
Brown, G.W. (2010) ‘Safeguarding Deliberative Global Governance: The Case of The Global Fund to Fight AIDS, Tuberculosis and Malaria’. *Review of International Studies,* 36 (2), 511–30.
Brown, J. and Duguid, P. (1996) ‘The Social Life of Documents; Introduction by Esther Dyson’. *First Monday,* 1 (1).
Brown, T., Cueto, M. and Fee, E. (2006) ‘The World Health Organization and the Transition From “International” to “Global” Public Health’. *American Journal of Public Health,* 96 (1), 62–72.
Brownell, K.D. (2012) ‘Thinking Forward: The Quicksand of Appeasing the Food Industry’. *PLoS Med,* 9 (7): e1001254.
Brownell, K.D. and Koplan, J. (2011) ‘Front-of-Package Nutrition Labelling — An Abuse of Trust by the Food Industry?’ *New England Journal of Medicine,* 364 (25), 2373–75.
Brownell, K.D. and Warner, K.E. (2009) ‘The Perils of Ignoring History: Big Tobacco Played Dirty and Millions Died. How Similar Is Big Food?’ *Milbank Quarterly,* 87 (1), 259–94.
Bryden, A., Petticrew, M., Mays, N., Eastmure, E. and Knai, C (2013) ‘Voluntary Agreements between Government and Business—A Scoping Review of the Literature with Specific Reference to the Public Health Responsibility Deal’. *Health Policy,* 110 (2–3), 186–97.
Buck, D. (2016) ‘The Childhood Obesity Plan – Brave and Bold Action?’ *The King’s Fund*. 31 August 2016.
Bull, B. and McNeill, D. (2007) *Development Issues in Global Governance: Public-Private Partnerships and Market Multilateralism*. Routledge.

Burnham, P. (2001) 'New Labour and the Politics of Depoliticisation'. *The British Journal of Politics & International Relations,* 3 (2), 127–49.
Buse, K. and Walt, G. (2000a) 'Global Public-Private Partnerships: Part I - a New Development in Health?' *Bulletin of the World Health Organization,* 78 (4), 549–61.
———(2000b) 'Global Public-Private Partnerships: Part II - What Are the Health Issues for Global Governance?' *Bulletin of the World Health Organization,* 78 (5), 699–709.
Buse, K. (2004) 'Global Health Partnerships: Mapping a Shifting Terrain'. *London: DFID Health Resource Center*.
Buse, K. and Harmer, A. (2004) 'Power to the Partners?: The Politics of Public-Private Health Partnerships'. *Development,* 47 (2), 49–56..
Buse, K. and Harmer, A. (2007) 'Seven Habits of Highly Effective Global Public–private Health Partnerships: Practice and Potential'. *Social Science & Medicine,* 64 (2), 259–71.
Buse, K. and Lee, K. (2005) 'Business and Global Health Governance'. London: London School of Hygiene and Tropical Medicine.
Buse, K. and Tanaka, S. (2011) 'Global Public-Private Health Partnerships: Lessons Learned from Ten Years of Experience and Evaluation'. *International Dental Journal*, 61, 2–10.
Buse, K., Tanaka, S. and Hawkes, S. (2017) 'Healthy People and Healthy Profits? Elaborating a Conceptual Framework for Governing the Commercial Determinants of Non-Communicable Diseases and Identifying Options for Reducing Risk Exposure'. *Globalization and Health,* 13:34.
Busuioc, M. and Lodge, M. (2016) 'The Reputational Basis of Public Accountability'. *Governance,* 29 (2), 247–63.
Busuioc, M. (2013) *European Agencies: Law and Practices of Accountability*. OUP Oxford.
Butland, B., Jebb, S., Kopelman, P., McPherson, K., Thomas, S., Mardell, J. and Parry, V. (2007) *Foresight Tackling Obesities: Future Choices*. Government Office for Science.
Cabinet Office (1999) *Modernising Government: Action Plan.* London: Cabinet Office.
———(2010) 'Applying Behavioural Insight to Health'. London: Cabinet Office.
———(2010) Machinery of Government changes. 20 July 2010. [https://www.gov.uk/government/speeches/machinery-of-government-changes-20-july-2010]
———(2012) Public Bodies Reform – Quarterly Status Check.
Cairney, P. (2008) 'Has Devolution Changed the "British Policy Style"?' *British Politics,* 3 (3), 350–72.
Cairney, P. and Keating, M. (2004) 'Sewel Motions in the Scottish Parliament'. *Scottish Affairs,* 47 (1), 115–34.
Cairney, P., Russell, S. and St Denny, E. (2016) The 'Scottish approach' to policy and policymaking: what issues are territorial and what are universal? *Policy and Politics*, 44(3), 333-350.
Campbell, J.L. (2004) *Institutional Change and Globalization*. Princeton University Press.
Cameron, D. (2009) Big Society speech.
Carlson, C. (2004) 'Mapping Global Health Partnerships'. What They Are, What They Do and Where They Operate'. Global Health Partnership Study Paper. London: DFID.

Carpenter, D. (2014) *Reputation and Power: Organizational Image and Pharmaceutical Regulation at the FDA*. Princeton University Press.
Carpenter, D. and Moss, D. (2013) *Preventing Regulatory Capture: Special Interest Influence And How To Limit It*. Cambridge University Press, New York.
Carstensen, M. (2011) 'Ideas Are Not as Stable as Political Scientists Want Them to Be: A Theory of Incremental Ideational Change'. *Political Studies,* 59 (3), 596–615.
Cashore, B. (2002) 'Legitimacy and the Privatization of Environmental Governance: How Non–State Market–Driven (NSMD) Governance Systems Gain Rule–Making Authority'. *Governance,* 15 (4), 503–29.
Cashore, B., Auld, G. and Newsom, D. (2004) *Governing Through Markets: Forest Certification and the Emergence of Non-State Authority*. Yale University Press.
Casswell, S. (2013) 'Vested Interests in Addiction Research and Policy. Why Do We Not See the Corporate Interests of the Alcohol Industry as Clearly as We See Those of the Tobacco Industry?' *Addiction,* 108 (4), 680–85.
Chan, S. and Pattberg, P. (2008) 'Private Rule-Making and the Politics of Accountability: Analyzing Global Forest Governance'. *Global Environmental Politics* 8, 103–121.
Chancellor of the Exchequer. (2010) Speech by Rt Hon George Osborne MP. Queen's Speech economy debate. 8 June 2010.
Christiansen, T. and Neuhold, C. (eds) (2013) *International Handbook on Informal Governance*. Cheltenham: Edward Elgar.
Clinton, C. and Sridhar, D. (2017) *Governing Global Health: Who Runs the World and Why?* Oxford University Press.
Coen, D. (2007) 'Empirical and Theoretical Studies in EU Lobbying'. *Journal of European Public Policy,* 14 (3), 333–45.
Coglianese, C. and Mendelson, E. (2010) 'Meta-Regulation and Self-Regulation'. In Cave, M., Baldwin, R., and Lodge, M. *The Oxford Handbook on Regulation*. OUP.
Colebatch, H. K. (2009) 'Governance as a Conceptual Development in the Analysis of Policy'. *Critical Policy Studies,* 3 (1), 58–67.
Collier, D. (2011) 'Understanding Process Tracing'. *PS: Political Science & Politics,* 44 (4), 823–30.
Collin J., Lee K., Bissell K. and Wilkinson, R. (2005) 'Negotiating the Framework Convention on Tobacco Control: An Updated Politics of Global Health Governance'. In Collin, J. and Kelley Lee (eds) *The Global Governance Reader*. London Routledge.
Collin, J. (2004) 'Tobacco Politics'. *Development,* 47 (2), 91–96.
———(2012) 'Tobacco Control, Global Health Policy and Development: Towards Policy Coherence in Global Governance'. *Tobacco Control,* 21 (2), 274–80.
Collin, J., Hill, S.E. and Smith, K.E. (2015) 'Merging Alcohol Giants Threaten Global Health'. *BMJ,* 351, h6087.
Collin, J., Lee, K. and Bissell, K. (2002) 'The Framework Convention on Tobacco Control: The Politics of Global Health Governance'. *Third World Quarterly,* 23 (2), 265–82.
Collin, J., Lee, K. and Gilmore, A. (2004) 'Unlocking the Corporate Documents of British American Tobacco: An Invaluable Global Resource Needs Radically Improved Access'. *The Lancet*, 363 (9423), 1746–1747.

Conservative Party. (2008) ‘A Light but Effective Touch: Final Report of the Conservative Party Working Group on Responsible Business’. Conservative party.
Cook, N. and Wagenaar, H. (2012) ‘Navigating the Eternally Unfolding Present Toward an Epistemology of Practice’. *The American Review of Public Administration,* 42 (1), 3–38.
Culpepper, P. (2011) *Quiet Politics and Business Power: Corporate Control in Europe and Japan*. Cambridge University Press, New York.
Curtin, D. (2007) ‘Holding (Quasi-)Autonomous EU Administrative Actors to Public Account’. *European Law Journal,* 13 (4), 523–41.
Czarniawska, B. (1997) *A Narrative Approach to Organization Studies*. Sage Publications.
———(2010) ‘The Uses of Narratology in Social and Policy Studies’. *Critical Policy Studies,* 4 (1), 58–76.
Daube, M., Stafford, J., and Bond., L. (2008) ‘No Need for Nanny’. *Tobacco Control,* 17 (6), 426–27.
Davies, J. (2005) ‘Local Governance and the Dialectics of Hierarchy, Market and Network’. *Policy Studies,* 26 (3), 311–35.
Day, P. and Klein, R. (1987) *Accountabilities: Five Public Services*. Tavistock.
DEFRA Select Committee (2010) Food Contamination: Defra and Food Standards Agency. House of Commons.
DEFRA (2010) Food Standards Agency to keep crucial food safety role. 20 July 2010 [https://www.gov.uk/government/news/food-standards-agency-to-keep-crucial-safety-role]
Department of Health (2005) Choosing a Better Diet: A food and health action plan. London: Department of Health
———(2010) ‘A Public Health Responsibility Deal: A Discussion Paper from the Department of Health’.
———(2010) Nutrition policy moves to the Department of Health. 30 September 2010.[http://webarchive.nationalarchives.gov.uk/+/http://www.dh.gov.uk/en/MediaCentre/Pressreleases/DH_119980]
———(2011a) ‘Public Health Responsibility Deal’. London: The Stationary Office.
———(2011b) ‘Food Network Steering Group: Proposed Terms of Reference’.
———(2011c) ‘The Future Work Programme of the Food Network’.
———(2011d) ‘HLSG 3 Phase 2 Work Programme: Calorie Reduction’.
———(2011e) ‘Food Network High Level Steering Group Action Note: Third Meeting’.
———(2011f) ‘HLSG 5 - Phase 2 Work Programme: Calorie Reduction’.
———(2013) ‘Saturated Fat Reduction Pledge’.
Department of Health, DCFS, and Cross-Government Obesity Unit. 2008. *‘Healthy Weight, Healthy Lives: A Cross-Government Strategy for England’*. London: Department of Health.
Desmond, M. (2004) ‘Methodological Challenges Posed in Studying an Elite in the Field’. *Area,* 36 (3), 262–69.
Dingwerth, K. and Pattberg, P. (2006) ‘Global Governance as a Perspective on World Politics’. *Global Governance: A Review of Multilateralism and International Organizations,* 12 (2), 185–203.
Dodgson, R., Lee, K. and Drager, N. (2002) ‘Global Health Governance: A Conceptual Review’. WHO.
Dolowitz, D. and Marsh, D. (2000) ‘Learning from Abroad: The Role of Policy Transfer in Contemporary Policy-Making’. *Governance* 13 (1): 5–23.

Dommett, K. and Flinders, M. (2015a) 'The Politics of Quangocide'. *Policy & Politics,* 43 (1), 3–25.
———(2015b) 'The Centre Strikes Back: Meta-Governance, Delegation, and the Core Executive in the United Kingdom, 2010–14'. *Public Administration,* 93 (1), 1–16.
Dorfman, L., Cheyne, A., Friedman, l., Wadud, A, and Gottlieb, M. (2012) 'Soda and Tobacco Industry Corporate Social Responsibility Campaigns: How Do They Compare?' *PLoS Med,* 9 (6)
Dorfman, L., Wallack, L. and Woodruff., K. (2005) 'More than a Message: Framing Public Health Advocacy to Change Corporate Practices.' *Health Education & Behavior: The Official Publication of the Society for Public Health Education,* 32 (3), 320–36.
Dryzek, J. S. (1999) 'Transnational Democracy'. *Journal of Political Philosophy,* 7 (1), 30–51.
Dryzek, J.S. (1996) 'The Informal Logic of Institutional Design'. In Goodin, R. *The Theory of Institutional Design*, 103–25. Cambridge: Cambridge University Press.
———(2002) *Deliberative Democracy and Beyond: Liberals, Critics, Contestations*. Oxford: Oxford University Press, USA.
Dryzek, J.S. and Hendriks., C (2012) 'Fostering Deliberation in the Forum and Beyond'. In Gottweis, H., and Fischer, F. (eds) *The Argumentative Turn Revisited*, 31-57.
Dubnick, M. (2005) 'Accountability and the Promise of Performance: In Search of the Mechanisms'. *Public Performance & Management Review*, 28 (3), 376–417.
Dubnick, M. (2011) 'Move Over Daniel: We Need Some "Accountability Space"'. *Administration & Society,* 43 (6), 704–16.
Dubnick, M. and Frederickson, G. (2010) 'Accountable Agents: Federal Performance Measurement and Third-Party Government'. *Journal of Public Administration Research and Theory,* 20 (suppl_1): i143–59.
Duke, K. (2002) 'Getting Beyond the "Official Line": Reflections on Dilemmas of Access, Knowledge and Power in Researching Policy Networks'. *Journal of Social Policy,* 31 (1), 39–59.
Durand, M., Petticrew, M., Goulding, L., Eastmure, E., Knai, C. and Mays, N. (2015) 'An Evaluation of the Public Health Responsibility Deal: Informants' Experiences and Views of the Development, Implementation and Achievements of a Pledge-Based, Public–private Partnership to Improve Population Health in England'. *Health Policy*, 119 (11), 1506–14.
Durose, C., Justice, J. and Skelcher, C. (2015) 'Governing at Arm's Length: Eroding or Enhancing Democracy?' *Policy & Politics,* 43 (1), 137–53.
Dussauge-Laguna, M. (2012) 'The Neglected Dimension: Bringing Time Back into Cross-National Policy Transfer Studies'. *Policy Studies,* 33 (6), 567–85.
Eberlein, B., Abbott, K., Black, J., Meidinger, E, and Wood, S. (2014) 'Transnational Business Governance Interactions: Conceptualization and Framework for Analysis'. *Regulation & Governance,* 8 (1), 1–21.
Eberlein, B. and Kerwer, D. (2004) 'New Governance in the European Union: A Theoretical Perspective'. *JCMS: Journal of Common Market Studies,* 42 (1), 121–42.
Edelman, M. 1985. *The Symbolic Uses of Politics*. University of Illinois Press.
Effertz, T. and Wilcke, A. (2012) 'Do Television Food Commercials Target Children in Germany?' *Public Health Nutrition,* 15 (8), 1466–73.

Elgström, O. and Jönsson, C. (2000) 'Negotiation in the European Union: Bargaining or Problem-Solving?' *Journal of European Public Policy,* 7 (5), 684–704.
Elston, T. (2014) Not so "Arm's Length": Reinterpreting Agencies in UK Central Government. *Public Administration* 92, 458–476.
Ercan, S., Hendriks, C, and Boswell, J. (2017) 'Studying Public Deliberation after the Systemic Turn: The Crucial Role for Interpretive Research'. *Policy & Politics,* 45 (2), 195–212.
Escobar, O. (2015) 'Scripting Deliberative Policy-Making: Dramaturgic Policy Analysis and Engagement Know-How'. *Journal of Comparative Policy Analysis: Research and Practice,* 17 (3), 269–85.
Fairclough, N. (2003) *Analysing Discourse: Textual Analysis for Social Research*. Psychology Press.
Farnsworth, K. (2004) *Corporate Power and Social Policy in a Global Economy*. Policy Press: University of Bristol.
Farnsworth, K. and Holden, C. (2006) 'The Business-Social Policy Nexus: Corporate Power and Corporate Inputs into Social Policy'. *Journal of Social Policy,* 35 (03), 473–494.
Fawcett, P. Wood, M. (2017) Depoliticization, Meta-governance, and Coal Seam Gas Regulation in New South Wales. In Fawcett, P., Flinders, M., Hay, C., Wood, M. (eds) *Anti-Politics, Depoliticization, and Governance*. OUP.
Feldman, M., Sköldberg, K., Brown, R. and Horner, D. (2004) 'Making Sense of Stories: A Rhetorical Approach to Narrative Analysis'. *Journal of Public Administration Research and Theory,* 14 (2), 147–70.
Fidler, D. (2007) 'Architecture Amidst Anarchy: Global Health's Quest for Governance'. *Global Health Governance*, 1.
Finlayson, A. (1999) 'Third Way Theory'. *The Political Quarterly,* 70 (3), 271–79.
Fischer, F. (2003). *Reframing Public Policy: Discursive Politics and Deliberative Practices*. OUP Oxford.
Fischer, F. and Forester, F. (eds) (1993) *The Argumentative Turn in Policy Analysis and Planning*. Durham, N.C: Duke University Press Books.
Fischer, F. and Gottweis, H. (2013) 'The Argumentative Turn in Public Policy Revisited: Twenty Years Later'. *Critical Policy Studies,* 7 (4), 425–33.
Flinders, M. (2004) 'Distributed Public Governance in Britain'. *Public Administration,* 82 (4), 883–909.
———(2005) 'The Politics of Public–Private Partnerships'. *The British Journal of Politics and International Relations,* 7 (2), 215–39.
———(2008) *Delegated Governance and the British State: Walking Without Order*. OUP Oxford.
———(2011) 'Devolution, Delegation and the Westminster Model: A Comparative Analysis of Developments within the UK, 1998–2009'. *Commonwealth & Comparative Politics,* 49 (1), 1–28.
———(2014) 'The Future and Relevance of Accountability Studies'. In Bovens, M., Goodin, R., and Schillemans, T. (eds) *The Oxford Handbook of Public Accountability*. OUP.
Flinders, M. and Skelcher, C. (2012) Shrinking the quango state: five challenges in reforming quangos. *Public Money & Management* 32, 327–334.
Flinders, M. and Buller, J. (2006) 'Depoliticisation: Principles, Tactics and Tools'. *British Politics,* 1 (3), 293–318.

Flinders, M., Dommett, K. and Tonkiss., K. (2014) 'Bonfires and Barbecues: Coalition Governance and the Politics of Quango Reform'. *Contemporary British History,* 28 (1), 56–80.
Flinders, M. (2001) *The Politics of Accountability in the Modern State*. Ashgate.
Flinders, M., and Wood., M. (2014) 'Depoliticisation, Governance and the State'. *Policy & Politics,* 42 (2), 135–49.
Food Standards Agency. (2000) 'A Statement of General Objectives and Practices'.
———(2010) 'Saturated Fat and Energy Intake Programme'. FSA.
Fooks, G., Smith, J., Lee, K. and Holden, C. (2017) 'Controlling Corporate Influence in Health Policy Making? An Assessment of the Implementation of Article 5.3 of the World Health Organization Framework Convention on Tobacco Control'. *Globalization and Health*, 13:12.
Forester, J. (1993) *Critical Theory, Public Policy, and Planning Practice: Toward a Critical Pragmatism*. SUNY Press.
Foster, E., Kerr, P. and Byrne., C. (2014) 'Rolling Back to Roll Forward: Depoliticisation and the Extension of Government'. *Policy & Politics,* 42 (2), 225–41.
Freeman, R. (2006) 'The Work the Document Does: Research, Policy, and Equity in Health'. *Journal of Health Politics, Policy and Law,* 31 (1), 51–70.
Freeman, R., and Maybin., J. (2011) 'Documents, Practices and Policy'. *Evidence & Policy: A Journal of Research, Debate and Practice,* 7 (2), 155–70.
Freeman, R. and Sturdy, S. (eds) (2015) *Knowledge in Policy: Embodied, Inscribed, Enacted*. Policy Press.
Freudenberg, N. (2012) 'The Manufacture of Lifestyle: The Role of Corporations in Unhealthy Living'. *Journal of Public Health Policy*, 33 (2), 244–56.
———(2014) *Lethal but Legal: Corporations, Consumption, and Protecting Public Health*. Oxford University Press.
Fuchs, D. (2005) Commanding Heights? The Strength and Fragility of Business Power in Global Politics. *Millennium* 33, 771–801.
Fung, A. (2003) *Deepening Democracy: Institutional Innovations in Empowered Participatory Governance.* London: Verso.
———(2006) *Empowered Participation: Reinventing Urban Democracy*. Princeton, N.J: Princeton University Press.
Gains, F. (2011) 'Elite Ethnographies: Potential, Pitfalls and Prospects for Getting 'up Close and Personal' Public Administration, 89(1), 156-166.
Galbraith-Emami, S. and Lobstein, T. (2013) 'The Impact of Initiatives to Limit the Advertising of Food and Beverage Products to Children: A Systematic Review'. *Obesity Reviews,* 14 (12), 960–74.
Galbraith, J.K. (1977) *The Age of Uncertainty*. Houghton Mifflin Harcourt, Boston.
Gamson, W. and Modigliani, A. (1989) 'Media Discourse and Public Opinion on Nuclear Power: A Constructionist Approach'. *American Journal of Sociology*, 95 (1), 1–37.
Garde, A., Davies, S. and Landon, J (2017) 'The UK Rules on Unhealthy Food Marketing to Children'. *European Journal of Risk Regulation* 8 (2): 270–82. https://doi.org/10.1017/err.2017.23.
Giddens, A (1998) *The Third Way: The Renewal of Social Democracy*. Reprint edition. Malden, Mass: Polity.

Gilmore, A. B. and McKee, M. (2004) 'Moving East: How the Transnational Tobacco Industry Gained Entry to the Emerging Markets of the Former Soviet Union—part I: Establishing Cigarette Imports'. *Tobacco Control* 13 (2): 143–50. https://doi.org/10.1136/tc.2003.005108.

Gilmore, A. (2012) 'Understanding the Vector in Order to Plan Effective Tobacco Control Policies: An Analysis of Contemporary Tobacco Industry Materials'. *Tobacco Control* 21 (2): 119–26. https://doi.org/10.1136/tobaccocontrol-2011-050397.

Gilmore, A., Savell, E. and Collin, J. (2011) 'Public Health, Corporations and the New Responsibility Deal: Promoting Partnerships with Vectors of Disease?' *Journal of Public Health*, February, fdr008. https://doi.org/10.1093/pubmed/fdr008.

Glantz, S. (1998) *The Cigarette Papers*. Berkeley: University of California Press.

Goetz, K. and Meyer-Sahling, J. (2009) 'Political Time in the EU: Dimensions, Perspectives, Theories'. *Journal of European Public Policy*, 16 (2), 180–201.

Gofas, A. and Hay, C. (2010) *The Role of Ideas in Political Analysis: A Portrait of Contemporary Debates*. Routledge.

Goffman, E. (1959) *The Presentation of Self in Everyday Life*. 1 edition. New York, NY: Anchor.

———(1974) *Frame Analysis: An Essay on the Organization of Experience*. Boston: Northeastern University Press.

Gornall, J. (2015) 'Sugar's Web of Influence 3: Why the Responsibility Deal Is a "Dead Duck" for Sugar Reduction'. *BMJ,* 350.

Graham, H. (2009) 'Health Inequalities, Social Determinants and Public Health Policy'. *Policy & Politics,* 37 (4), 463–79.

Greenhalgh, T., Potts, H., Wong, G., Bark, P. and Swinglehurst, D. (2009) 'Tensions and Paradoxes in Electronic Patient Record Research: A Systematic Literature Review Using the Meta-Narrative Method'. *The Milbank Quarterly,* 87 (4), 729–88.

Greenhalgh, T., Robert, G., Macfarlane, F., Bate, P., Kyriakidou, O. and Peacock, R. (2005) 'Storylines of Research in Diffusion of Innovation: A Meta-Narrative Approach to Systematic Review'. *Social Science & Medicine,* 61 (2), 417–30.

Greer, S. L. (2008) 'Devolution and Divergence in UK Health Policies'. *BMJ* 337

Greer, S. L. and Jarman, H. (2008) 'Devolution and Policy Styles'. *The State of the Nations* 2008: 167–197.

Greer, S. (2004) *Four Way Bet: How Devolution Has Led to Four Different Models for the NHS*. Constitution Unit London.

Griggs, S. and Howarth, D. (2007) 'Airport Governance, Politics and Protest Networks'. In Marcussen, M. and Torfing, J. (Eds) *Democratic Network Governance in Europe*. Palgrave Macmillan.

Gunningham, N. and Rees, J. (1997) 'Industry Self-Regulation: An Institutional Perspective'. *Law & Policy,* 19 (4), 363–414.

Gutmann, A. and Thompson, D. (1998) *Democracy and Disagreement*. Harvard University Press.

Haas, Peter. 2004. 'When Does Power Listen to Truth? A Constructivist Approach to the Policy Process'. *Journal of European Public Policy,* 11 (4), 569–92.

Haas, P. (1992) 'Introduction: Epistemic Communities and International Policy Coordination'. International Organization.

Habermas, J. (1986) *Theory of Communicative Action, Volume 1: Reason and the Rationalization of Society: Reason and the Rationalization of Society*. Boston: Polity.
Hacker, J. and Pierson, P. (2002) Business Power and Social Policy: Employers and the Formation of the American Welfare State. *Politics & Society* 30, 277–325.
Hajer, M. (2003) 'Policy without Polity? Policy Analysis and the Institutional Void'. *Policy Sciences,* 36 (2), 175–95.
Hajer, M. (1995) *The Politics of Environmental Discourse: Ecological Modernization and the Policy Process*. Oxford: New York
———(2005) 'Rebuilding Ground Zero. The Politics of Performance'. *Planning Theory & Practice,* 6 (4), 445–64.
———(2006) 'The Living Institutions of the EU: Analysing Governance as Performance'. *Perspectives on European Politics and Society,* 7 (1), 41–55.
———(2009) *Authoritative Governance*. Oxford University Press.
Hajer, M. and Wagenaar, H. (2003) *Deliberative Policy Analysis: Understanding Governance in the Network Society*. Cambridge University Press.
Hajer, M. and Laws, D. (2006) 'Ordering through Discourse'. In Moran, M., Rein, M., and Goodin, R. (eds) *The Oxford Handbook of Public Policy*. OUP, 249–266.
Hajer, M. and Versteeg, V. (2005) 'Performing Governance through Networks'. *European Political Science,* 4 (3), 340–47.
———(2008) 'The Limits to Deliberative Governance'. Paper presented at the Annual Meeting of the American Political Science Association Conference, Boston.
Hancock, C., Kingo, L. and Raynaud, O. (2011) 'The Private Sector, International Development and NCDs'. *Globalization and Health,* 7: 23.
Harmer, A. (2011) 'Understanding Change in Global Health Policy: Ideas, Discourse and Networks'. *Global Public Health,* 6 (7), 703–18.
Harvey, W. (2011) 'Strategies for Conducting Elite Interviews'. *Qualitative Research*, 11 (4), 431–41.
Hastings, G. (2012) 'Why Corporate Power Is a Public Health Priority'. *BMJ* 345 (aug21 1):
Hawkes, C. and Lobstein, T. (2011) 'Regulating the Commercial Promotion of Food to Children: A Survey of Actions Worldwide'. *International Journal of Paediatric Obesity: IJPO: An Official Journal of the International Association for the Study of Obesity,* 6 (2), 83–94.
Hawkes, C. (2007) 'Regulating and Litigating in the Public Interest'. *American Journal of Public Health,* 97 (11), 1962–73.
Hawkes, C. and Buse, K. (2011) 'Public Health Sector and Food Industry Interaction: It's Time to Clarify the Term 'Partnership' and Be Honest about Underlying Interests'. *The European Journal of Public Health*, 21 (4), 400–401.
Hawkes, C. and Harris, J.L. (2011) 'An Analysis of the Content of Food Industry Pledges on Marketing to Children'. *Public Health Nutrition,* 14 (08), 1403–1414.
Hawkins, B. and Holden, C. (2013) 'Framing the Alcohol Policy Debate: Industry Actors and the Regulation of the UK Beverage Alcohol Market'. *Critical Policy Studies,* 7 (1), 53–71.
Hawkins, B. and Holden, C. (2016) A Corporate Veto on Health Policy? Global Constitutionalism and Investor-State Dispute Settlement. *Journal of Health Politics, Policy, and Law*, 41(5), 969-995.

Hawkins, B., Holden, C., Eckhardt, J. and Kelley Lee (2016). 'Reassessing Policy Paradigms: A Comparison of the Global Tobacco and Alcohol Industries'. *Global Public Health,* 1–19.

Hay, C. (2004) 'Re-Stating Politics, Re-Politicising the State: Neo-Liberalism, Economic Imperatives and the Rise of the Competition State'. *The Political Quarterly*, 75, 38–50

———(2007) *Why We Hate Politics*. 1 edition. Cambridge; Malden, MA: Polity Press.

———(2016) Good in a crisis: the ontological institutionalism of social constructivism. *New Political Economy*, 21(6), 520-535.

Hay, C. and Rosamond, B. (2002) 'Globalization, European Integration and the Discursive Construction of Economic Imperatives'. *Journal of European Public Policy,* 9 (2), 147–67.

Heinelt, H., Kopp-Malek, T., Lang, J. and Reissert, B. (2003) 'Policy-Making in Fragmented Systems: How to Explain Success'. In Kohler-Koch (ed) *Linking EU and National Governance.* OUP, 135–153.

Held, D. (2003) *The Global Transformations Reader: An Introduction to the Globalization Debate*. Cambridge, UK: Malden, MA USA: Polity Press.

Hendriks, C. (2006) 'When the Forum Meets Interest Politics: Strategic Uses of Public Deliberation'. *Politics & Society,* 34 (4), 571–602.

———(2007) 'Praxis Stories: Experiencing Interpretive Policy Research'. *Critical Policy Studies,* 1 (3), 278–300.

———(2009) 'The Democratic Soup: Mixed Meanings of Political Representation in Governance Networks'. *Governance,* 22 (4), 689–

Héritier, A. (1999) *Policy-Making and Diversity in Europe: Escape from Deadlock*. Cambridge: Cambridge University Press.

———(2002) 'Public-Interest Services Revisited'. *Journal of European Public Policy,* 9 (6), 995–1019.

Héritier, A. and Eckert, S. (2008) 'New Modes of Governance in the Shadow of Hierarchy: Self-Regulation by Industry in Europe'. *Journal of Public Policy*, 28(1), 113–138.

Héritier, A. and Lehmkuhl, D. (2008) 'The Shadow of Hierarchy and New Modes of Governance'. *Journal of Public Policy*, 28 (1), 1–17.

Hillman, A. and Hitt, M. (1999) 'Corporate Political Strategy Formulation: A Model of Approach, Participation, and Strategy Decisions'. *Academy of Management Review,* 24 (4), 825–42.

Hix, S. (1998) 'The Study of the European Union II: The "New Governance" Agenda and Its Rival'. *Journal of European Public Policy,* 5 (1), 38–65.

———(2008) *What's Wrong with the European Union and How to Fix It*. Cambridge: Polity Press.

HM Government (2012) 'The Government's Alcohol Strategy.' Stationery Office.

———. 2016. 'Childhood Obesity: A Plan for Action'. London: The Stationary Office.

Holden, C. and Hawkins, B. (2013) '"Whisky Gloss": The Alcohol Industry, Devolution and Policy Communities in Scotland'. *Public Policy and Administration,* 28 (3), 253–73.

Holden, C., Hawkins, B. and McCambridge, J. (2012) 'Cleavages and Co-Operation in the UK Alcohol Industry: A Qualitative Study'. *BMC Public Health,* 12 (1), 483.

Holt, A. (2010) 'Using the Telephone for Narrative Interviewing: A Research Note'. *Qualitative Research,* 10 (1), 113–21.

Holzinger, K. (2001) 'Negotiations in Public-Policy Making: Exogenous Barriers to Successful Dispute Resolution'. *Journal of Public Policy,* 21 (1), 71–96.
Hood, C. (1991) 'A Public Management for All Seasons?' *Public Administration,* 69 (1), 3–19.
———(2007) 'What Happens When Transparency Meets Blame-Avoidance?' *Public Management Review,* 9 (2), 191–210.
Hooghe, L. and Marks, G. (2003) 'Unraveling the Central State, but How? Types of Multi-Level Governance'. *American Political Science Review*, 97 (2), 233–43.
Hopkin, J. and Rosamond, B. (2017) 'Post-Truth Politics, Bullshit and Bad Ideas: "Deficit Fetishism" in the UK'. *New Political Economy,* 1–15.
Howlett, M. (2009) 'Process Sequencing Policy Dynamics: Beyond Homeostasis and Path Dependency'. *Journal of Public Policy,* 29 (3), 241–62.
Hugman, R., Pittaway, E. and Bartolomei., L. (2011) 'When "Do No Harm" Is Not Enough: The Ethics of Research with Refugees and Other Vulnerable Groups'. *The British Journal of Social Work*, 41 (7), 1271–87.
Hulst, M. (2012) 'Storytelling, a Model of and a Model for Planning'. *Planning Theory,* 11 (3), 299–318.
Hulst, M. and Yanow, D. (2014) 'From Policy "Frames" to "Framing" Theorizing a More Dynamic, Political Approach'. *The American Review of Public Administration*, 1-21.
Hunter, A. (1995) 'Local Knowledge and Local Power: Notes on the Ethnography of Local Community Elites'. In R. Hertz and J. Imber (eds) *Studying Elites Using Qualitative Methods*. SAGE Publications.
Hutter, B. (2011) 'Understanding the New Regulatory Governance: Business Perspectives'. *Law & Policy* 33, (4), 459–76.
Hutton, W. (1995) *The State We're In: (Revised Edition): Why Britain Is in Crisis and How to Overcome It*. London: Vintage.
Hysing, E. (2009) 'Governing Without Government? The Private Governance of Forest Certification in Sweden'. *Public Administration,* 87 (2), 312–26.
———(2013) 'Representative Democracy, Empowered Experts, and Citizen Participation: Visions of Green Governing'. *Environmental Politics,* 22 (6), 955–74.
Institute for Government (2018) 'Freedom of Information'. [https://www.instituteforgovernment.org.uk/explainers/freedom-of-information-explained]
Lusmen, I. and Boswell, J. (2017) 'The Dilemmas of Pursuing "Throughput Legitimacy" through Participatory Mechanisms'. *West European Politics,* 40 (2), 459–78.
Jacobs, S. and Schillemans, T. (2016) 'Media and Public Accountability: Typology and Exploration'. *Policy & Politics,* 44 (1), 23–40.
Jahiel, R. (2008) 'Corporation-Induced Diseases, Upstream Epidemiologic Surveillance, and Urban Health'. *Journal of Urban Health-Bulletin of the New York Academy of Medicine,* 85 (4), 517–31.
Jahiel, R. and Babor., T. (2007) 'Industrial Epidemics, Public Health Advocacy and the Alcohol Industry: Lessons from Other Fields'. *Addiction,* 102 (9), 1335–39.
Jasanoff, S. (1997) 'Civilization and Madness: The Great BSE Scare of 1996'. *Public Understanding of Science*, 6 (3), 221–32.

Jebb, S. A., Aveyard, P. and Hawkes, C. (2013) 'The Evolution of Policy and Actions to Tackle Obesity in England'. *Obesity Reviews*, 42–59.

Jensen, J. D. and Ronit, K. (2015) 'The EU Pledge for Responsible Marketing of Food and Beverages to Children: Implementation in Food Companies'. *European Journal of Clinical Nutrition,* 69 (8).

Jernigan, D. (2011) 'Global Alcohol Producers, Science, and Policy: The Case of the International Center for Alcohol Policies'. *American Journal of Public Health,* 102 (1), 80–89.

Jessop, B. (1998) 'The Rise of Governance and the Risks of Failure: The Case of Economic Development'. *International Social Science Journal*, 50 (155), 29–45.

———(2002) 'Liberalism, Neoliberalism, and Urban Governance: A State-Theoretical Perspective'. *Antipode,* 34 (3), 452–72.

———(2004) 'Multi-Level Governance and Multi-Level Metagovernance: Changes in the European Union as Integral Moments in the Transformation and Reorientation of Contemporary Statehood'. In Bache, I. and Flinders, M. (eds) *Multi-level Governance*. OUP, 49-74.

Jha, P. and Chaloupka, F. (2000) 'The Economics of Global Tobacco Control'. *BMJ,* 321 (7257), 358–61.

Jones, A., Magnusson, R., Swinburn, B., Webster, J., Wood, A., Sacks, G. and Neal, B. (2016) 'Designing a Healthy Food Partnership: Lessons from the Australian Food and Health Dialogue.' *BMC Public Health,* 16:651.

Jordan, A. (2001) 'National Environmental Ministries: Managers or Ciphers of European Union Environmental Policy?' *Public Administration*, 79 (3), 643–663.

Katikireddi, S., Higgins, M., Smith, K.E. and Williams., G. (2013) 'Health Inequalities: The Need to Move beyond Bad Behaviours'. *Journal of Epidemiology and Community Health*.

Katikireddi, S., Hilton, S., Bonell, C. and Bond, L. (2014) 'Understanding the Development of Minimum Unit Pricing of Alcohol in Scotland: A Qualitative Study of the Policy Process'. *PLoS ONE,* 9 (3).

Keating, M. (2005) 'Policy Convergence and Divergence in Scotland under Devolution'. *Regional Studies,* 39 (4), 453–63.

———(2010) *The Government of Scotland: Public Policy Making After Devolution*. Edinburgh University Press.

Keating, M., Cairney, P. and Hepburn., E. (2009) 'Territorial Policy Communities and Devolution in the UK'. *Cambridge Journal of Regions, Economy and Society*, 1-16.

———(2012) 'Policy Convergence, Transfer and Learning in the UK under Devolution'. *Regional & Federal Studies,* 22 (3), 289–307.

Keating, M., Stevenson, L., Cairney, C. and Taylor., K. (2003) 'Does Devolution Make a Difference? Legislative Output and Policy Divergence in Scotland'. *The Journal of Legislative Studies,* 9 (3), 110–39.

Keck, M. and Sikkink, K. (1999) 'Transnational Advocacy Networks in International and Regional Politics'. *International Social Science Journal*, 51 (159), 89–101.

Kelly, B., Baur, L., Bauman, A. and King, L. (2011) 'Tobacco and Alcohol Sponsorship of Sporting Events Provide Insights about How Food and Beverage Sponsorship May Affect Children's Health.' *Health Promotion Journal of Australia: Official Journal of Australian Association of Health Promotion Professionals,* 22 (2), 91–96.

Kettell, S. (2008) 'Does Depoliticisation Work? Evidence from Britain's Membership of the Exchange Rate Mechanism, 1990–92'. *The British Journal of Politics & International Relations,* 10 (4), 630–48.
Kickert, W., Klijn, E. and Koppenjan, J. (1997) *Managing Complex Networks: Strategies for the Public Sector*. Sage.
Kinderman, D. (2012) '"Free Us up so We Can Be Responsible!" The Co-Evolution of Corporate Social Responsibility and Neo-Liberalism in the UK, 1977–2010'. *Socio-Economic Review,* 10 (1), 29–57.
Kingdon, J.W. (1984) 'Agendas, Alternatives, and Public Policies'. Longman.
Klijn, E. and Skelcher, C. (2007) 'Democracy and Governance Networks: Compatible or Not?' *Public Administration,* 85 (3), 587–608.
Knai, C., James, L., Petticrew, M., Eastmure, E., Durand, M. and Mays, N. (2017) 'An Evaluation of a Public–private Partnership to Reduce Artificial Trans Fatty Acids in England, 2011–16'. *European Journal of Public Health,* 27 (4), 605–8.
Knai, C., Petticrew, M., Durand, M., Eastmure, E., James, L., Mehrotra, A., Scott, C. and Mays, N. (2015) 'Has a Public–private Partnership Resulted in Action on Healthier Diets in England? An Analysis of the Public Health Responsibility Deal Food Pledges'. *Food Policy,* 54, 1–10.
Knai, C., Petticrew, M., Durand, M., Scott, C., James, L., Mehrotra, A., Eastmure, E. and Mays, N. (2015) 'The Public Health Responsibility Deal: Has a Public–private Partnership Brought about Action on Alcohol Reduction?' *Addiction*, 110, 1217-1225.
Koenig-Archibugi, M. (2004) 'Transnational Corporations and Public Accountability'. *Government and Opposition*, 39 (2), 234–59.
Koenig-Archibugi, M. and Macdonald, K. (2013) 'Accountability-by-Proxy in Transnational Non-State Governance'. *Governance,* 26 (3), 499–522.
Kooiman, J. (1993) *Modern Governance.* London: Sage Publications.
———(2003) *Governing as Governance*. London.
Koop, C. (2014) 'Theorizing and Explaining Voluntary Accountability'. *Public Administration,* 92 (3), 565–81.
Koppell, J. (2005) 'Pathologies of Accountability: ICANN and the Challenge of "Multiple Accountabilities Disorder"'. *Public Administration Review*, 65 (1), 94–108.
Kraak, V., Swinburn, B., Lawrence, M. and Harrison, P. (2011) 'The Accountability of Public-Private Partnerships with Food, Beverage and Quick-Serve Restaurant Companies to Address Global Hunger and the Double Burden of Malnutrition'. *United Nations System Standing Committee on Nutrition: News* 39: 11–24.
———(2014) 'A Q Methodology Study of Stakeholders' Views about Accountability for Promoting Healthy Food Environments in England through the Responsibility Deal Food Network'. *Food Policy*, 49, 207–18.
Kraak, V., Vandevijvere, S., Sacks, G., Brinsden, H., Hawkes, C., Barquera, S. Lobstein, T. and Swinburn, B. (2016) 'Progress Achieved in Restricting the Marketing of High-Fat, Sugary and Salty Food and Beverage Products to Children'. *Bulletin of the World Health Organization*, 94 (7), 540–48.
Krause, G. and Meier, K. (2005) *Politics, Policy, and Organizations: Frontiers in the Scientific Study of Bureaucracy*. University of Michigan Press.
Kuzemko, C. (2014) 'Politicising UK Energy: What "speaking Energy Security" Can Do'. *Policy & Politics*, 42 (2), 259–74.

Ladi, S. (2011) 'Policy change and soft europeanization: the transfer of the ombudsman institution to greece, cyprus and malta'. *Public Administration,* 89 (4), 1643–63.
Landwehr, C. and Holzinger, K. (2010) 'Institutional Determinants of Deliberative Interaction'. *European Political Science Review*, 2 (3), 373–400.
Lang, T. (2006) 'Food, the Law and Public Health: Three Models of the Relationship'. *Public Health*, 120, 30–40.
Larsen, L. (2010) 'Framing Knowledge and Innocent Victims. Europe Bans Smoking in Public Places'. *Critical Discourse Studies*, 7 (1), 1–17.
Lastra, R. and Shams, H. (2001) 'Public Accountability in the Financial Sector'. In Ferran, E. and Goodhart, C (eds) *Regulating Financial Services and Markets in the 21st Century*. Hart Publishing, 165–188.
Laurila, J. (1997) 'Reflections on Conducting Processual Research on Management and Organizations. Promoting Research Access and Informant Rapport in Corporate Settings: Notes from Research on a Crisis Company'. *Scandinavian Journal of Management*,13 (4), 407–18.
Law, J. (2004) *After Method: Mess in Social Science Research*. 1 edition. London: New York: Routledge.
Lawrence, F. (2010) 'Who Is the Government's Health Deal with Big Business Really Good For?' *The Guardian*, 12 November 2010.
Lawrence, R. (2004) 'Framing Obesity The Evolution of News Discourse on a Public Health Issue'. *The Harvard International Journal of Press/Politics,* 9 (3), 56–75.
Laws, D. and Rein, M. (2003) 'Reframing Practice'. In Hajer, M. and Wagenaar, H (eds) *Deliberative Policy Analysis*. Cambridge University Press, 172-206.
Lechner, F. and Boli, J. (eds) (2011) *The Globalization Reader*. Wiley-Blackwell.
Lee, K. (2001) 'Globalisation - a New Agenda for Health?' In Mckee, M., Garner, P. and Stott, R. (eds) *International Cooperation in Health*. Oxford University Press.
Lee, K., Botero, N. and Novotny, T. (2016) '"Manage and Mitigate Punitive Regulatory Measures, Enhance the Corporate Image, Influence Public Policy": Industry Efforts to Shape Understanding of Tobacco-Attributable Deforestation.' *Globalization and Health,* 12 (1), 55.
Lee, K. and Collin, J. (2005) *Global Change and Health*. New York: Open University Press.
Lee, L., Gilmore, A. and Collin, J. (2004) 'Looking inside the Tobacco Industry: Revealing Insights from the Guildford Depository'. *Addiction*, 99 (4), 394–97.
Lee, K. and Hawkins, B. (2017) *Researching Corporations and Global Health Governance: An Interdisciplinary Guide*. Rowman & Littlefield.
Lee, K. and Kamradt-Scott, A. (2014) 'The Multiple Meanings of Global Health Governance: A Call for Conceptual Clarity'. *Globalization and Health,* 10:28.
Levitas, R. (2012) The Just's Umbrella: Austerity and the Big Society in Coalition policy and beyond. *Critical Social Policy* 32(2), 320-342.
Levy, D. and Prakash, A. (2003) 'Bargains Old and New: Multinational Corporations in Global Governance'. *Business and Politics*, 5 (2), 131–50.
Lilleker, D. (2003) 'Interviewing the Political Elite: Navigating a Potential Minefield'. *Politics,* 23 (3), 207–14.

Lincoln, P., Rundall, P., Jeffery, B., Kellett, G., Lobstein, T., Lhotska, L., Allen, K. and Gupta, A. (2011) 'Conflicts of Interest and the UN High-Level Meeting on Non-Communicable Diseases.' *Lancet,* 378 (9804): e6.

Lindblom, C.E. (1977) *Politics and Markets: The World's Political Economic Systems*. Basic Books, New York.

Lloyd-Williams, F., Bromley, H., Orton, L., Hawkes, C., Taylor-Robinson, D., O'Flaherty, M. and McGill, R. (2014) 'Smorgasbord or Symphony? Assessing Public Health Nutrition Policies across 30 European Countries Using a Novel Framework'. *BMC Public Health*, 14 (1), 1195.

Lodge, M. (2008) 'Regulation, the Regulatory State and European Politics'. *West European Politics,* 31 (1–2), 280–301.

Lowndes, V. and Pratchett, L. (2014) 'Designing Democratic Institutions for Decentred Governance: The Council of Europe's Acquis'. In Griggs, S., Norval, A. and Wagenaar, H. *Decentred Governance, Conflict and Democratic Participation*. Cambridge University Press.

Ludwig, D. and Nestle, M. (2008) 'Can the Food Industry Play a Constructive Role in the Obesity Epidemic?' *JAMA,* 300 (15), 1808–11.

MacGregor, G. and Hashem, K. (2014) 'Action on Sugar—lessons from UK Salt Reduction Programme'. *The Lancet,* 383 (9921), 929–31.

Magnusson, R. and Reeve, B. (2015) 'Food Reformulation, Responsive Regulation, and "Regulatory Scaffolding": Strengthening Performance of Salt Reduction Programs in Australia and the United Kingdom'. *Nutrients,* 7 (7), 5281–5308.

Mahoney, J. (2000) Path dependence in historical sociology. *Theory and Society*, 29(4), 507-548.

Mahoney, J. (2010) 'After KKV: The New Methodology of Qualitative Research'. *World Politics,* 62 (1), 120–47.

Majone, G. (1999) 'The Regulatory State and Its Legitimacy Problems'. *West European Politics,* 22 (1), 1–24.

Mansbridge, J., Hartz-Karp, J., Amengual, M., and Gastil, J. (2006) 'Norms of Deliberation: An Inductive Study'. SSRN Scholarly Paper. Rochester, NY: Social Science Research Network.

March, J., and Olsen, J. (1989) *Rediscovering Institutions: The Organizational Basis of Politics*. New York: Free Press.

Marcussen, M., and Torfing, J. (2007) *Democratic Network Governance in Europe*. Palgrave Macmillan.

Marks, G. (1993) 'Structural Policy and Multilevel Governance in the EC'. In Cafruny, A. and Rosenthal, G. (eds) *The State of the European Community.* Harlow: Longman.

———(1996) 'An Actor-centred Approach to Multi-Level Governance'. *Regional & Federal Studies,* 6 (2), 20–38.

Marks, G. and Hooghe, L. (2004) 'Contrasting Visions of Multi-Level Governance'. In Bache, I., and Flinders, M. (eds) *Multi-Level Governance*. OUP, 15-31.

Marks, J. (2014) 'Toward a Systemic Ethics of Public-Private Partnerships Related to Food and Health'. *Kennedy Institute of Ethics Journal,* 24 (3), 267–99.

Mashaw, J. (2006) Accountability and Institutional Design: Some Thoughts on the Grammar of Governance. In Dowdle, M. (ed) *Public Accountability: Designs, Dilemmas, and* Experiences. Cambridge: Cambridge University Press, 115-157.

Mattli, W. and Büthe, T. (2003) 'Setting International Standards: Technological Rationality or Primacy of Power?' *World Politics,* 56 (1), 1–42.

Maybin, J. (2016) *Producing Health Policy*. London: Palgrave Macmillan UK.
Mayntz, R. (1993) 'Modernization and the Logic of Interorganizational Networks'. *Knowledge and Policy,* 6 (1), 3–16.
———(2002) 'Common Goods and Governance'. In Héritier, A. (ed) *Common Goods: Reinventing European and International Governance*. Rowman and Littlefield, 15–27.
McCambridge, J., Hawkins, B. and Holden, C. (2013) 'Industry Use of Evidence to Influence Alcohol Policy: A Case Study of Submissions to the 2008 Scottish Government Consultation'. *PLoS Med*, 10 (4).
McCann, L. (2014) 'A Discursive Institutionalist Analysis of Global Policy Ideas in the Creation of the United Nations Peacebuilding Commission'. *Policy Studies*, 35 (5), 458–83.
McCoy, D., Kembhavi, G., Patel, J. and Luintel, A. (2009) 'The Bill & Melinda Gates Foundation's Grant-Making Programme for Global Health'. *The Lancet*, 373 (9675), 1645–53.
McCubbins, M., Noll, R. and Weingast, B. (1987) 'Administrative Procedures as Instruments of Political Control'. *Journal of Law, Economics, & Organization*, 3 (2), 243–77.
McCubbins, M. and Page, T. (1987) 'A Theory of Congressional Delegation'. In McCubbins, M. and Sullivan, T. (eds) *Congress: Structure and Policy*. New York: Cambridge University Press, 411–413.
McDowell, L. (1998) 'Elites in the City of London: Some Methodological Considerations'. *Environment and Planning,* 30 (12), 2133–46.
McInnes, C. and Lee, K. (2012) *Global Health and International Relations*. Polity.
Meuleman, L. (2008) *Public Management and the Metagovernance of Hierarchies*. Physica.
Mikecz, R. (2012) 'Interviewing Elites Addressing Methodological Issues'. *Qualitative Inquiry*, 18 (6), 482–93.
Miller, D. and Harkins, C. (2010) 'Corporate Strategy, Corporate Capture: Food and Alcohol Industry Lobbying and Public Health'. *Critical Social Policy,* 30 (4), 564–89.
Mindell, J., Reynolds, L., Cohen, D. and McKee, M. (2012) 'All in This Together: The Corporate Capture of Public Health'. *BMJ,* 345
MAFF (1998) 'The Food Standards Agency: A Force for Change'. London: The Stationary Office.
Mitchell, J. (2010) 'The Westminster Model and the State of Unions'. *Parliamentary Affairs*, 63 (1), 85–88.
Monteiro, C. and Cannon, G. (2012) 'The Impact of Transnational "Big Food" Companies on the South: A View from Brazil'. *PLoS Medicine,* 9 (7).
Monteiro, C., Gomes, F. and Cannon, G. (2010) 'The Snack Attack'. *American Journal of Public Health*, 100 (6), 975–81.
Moodie, R., Stuckler, D., Monteiro, C., Sheron, N., Neal, B., Thamarangsi, T., Lincoln, P. and Casswell, S. (2013) 'Profits and Pandemics: Prevention of Harmful Effects of Tobacco, Alcohol, and Ultra-Processed Food and Drink Industries'. *The Lancet*, 381 (9867), 670–79.
Mooney, G., Scott, S. and Williams, C. (2006) 'Rethinking Social Policy through Devolution Introduction'. *Critical Social Policy*, 26, 483–97.
Moran, M. and Stone, S. (2016) 'The New Philanthropy: Private Power in International Development Policy?' In Grugel, J. and Hammett, D. (eds) *The Palgrave Handbook of International Development*. Palgrave Macmillan, 297–313.

Mörth, U. (2007) 'Public and Private Partnerships as Dilemmas between Efficiency and Democratic Accountability: The Case of Galileo'. *Journal of European Integration,* 29 (5), 601–17.
Muggli, M. E. and Hurt, R. (2003) 'Tobacco Industry Strategies to Undermine the 8th World Conference on Tobacco or Health'. *Tobacco Control*, 12 (2), 195–202.
Mulgan, R. (2000) '"Accountability": An Ever-Expanding Concept?' *Public Administration,* 78 (3), 555–73.
———(2003) *Holding Power to Account: Accountability in Modern Democracies*. Springer.
Naghavi, M., Alemu Abajobir, A., Abbafati, Kaja, C., Abbas, M., Abad-Allah, F., Ferede Abera, S., Aboyans, V. et al. (2017) 'Global, Regional, and National Age-Sex Specific Mortality for 264 Causes of Death, 1980–2016: A Systematic Analysis for the Global Burden of Disease Study 2016'. *The Lancet,* 390 (10100), 1151–1210.
Neal, S. and McLaughlin, E. (2009) 'Researching Up? Interviews, Emotionality and Policy-Making Elites'. *Journal of Social Policy*, 38 (4), 689–707.
Nestle, M. (2002) *Food Politics: How the Food Industry Influences Nutrition and Health*. University of California Press.
———(2015) *Soda Politics: Taking on Big Soda (And Winning)*. Oxford University Press.
Newman, J. (2001) *Modernizing Governance: New Labour, Policy and Society*. SAGE.
Ng, N. and Prah Ruger, J. (2011) 'Global Health Governance at a Crossroads'. *Global Health Governance: The Scholarly Journal for the New Health Security Paradigm,* 3 (2), 1–37.
Obesity Health Alliance. (2018) 'Statement: The Introduction of the "Sugar Tax"'. *Obesity Health Alliance*. 5 April 2018.
Ofcom. (2004) 'Television Advertising of Food and Drink to Children: Options for New Restrictions'.
Offe, C. (2009) Governance: An "Empty Signifier"? *Constellations* 16, 550–562.
———(2007) 'Television Advertising of Food and Drink Products to Children: Final Statement'.
Olsen, J.P. (2013) 'The Institutional Basis of Democratic Accountability'. *West European Politics,* 36 (3), 447–73.
Ostrander, S. (1993) '"Surely you're not in this just to be helpful" Access, Rapport, and Interviews in Three Studies of Elites'. *Journal of Contemporary Ethnography,* 22 (1), 7–27.
Ostrom, E. (2010) 'Beyond Markets and States: Polycentric Governance of Complex Economic Systems'. *Transnational Corporations Review,* 2 (2), 1–12.
Palier, B. (2005) 'Change: French Social Policy in the 1990s'. In Streeck, W. and Thelen, K. (eds) *Beyond Continuity: Institutional Change in Advanced Political Economies*. OUP, 127-145.
Panjwani, C. and Caraher, M. (2014) 'The Public Health Responsibility Deal: Brokering a Deal for Public Health, but on Whose Terms?' *Health Policy,* 114 (2–3), 163–73.
Panke, D. (2006) 'More Arguing Than Bargaining? The Institutional Designs of the European Convention and Intergovernmental Conferences Compared'. *Journal of European Integration,* 28 (4), 357–79.
Papadopoulos, Y. (2003) 'Cooperative Forms of Governance: Problems of Democratic Accountability in Complex Environments'. *European Journal of Political Research,* 42 (4), 473–501

———(2007) ‘Problems of Democratic Accountability in Network and Multilevel Governance’. *European Law Journal,* 13 (4), 469–86.
Papadopoulos, Y. and Warin, P. (2007) ‘Are Innovative, Participatory and Deliberative Procedures in Policy Making Democratic and Effective?’ *European Journal of Political Research,* 46 (4), 445–72.
Passoth, J. and Rowland, N. (2016) ‘Modelling the State: An Actor-Network Approach’. In Voß, J.P. and Freeman, R. (eds) *Knowing Governance.* Palgrave Macmillan, 37-61.
Paul, K. (2012) ‘The Europeanization of Food Safety: A Discourse-Analytical Approach’. *Journal of European Public Policy,* 19 (4), 549–66.
Pawson, R., Wong, G. and Owen, L. (2011) ‘Known Knowns, Known Unknowns, Unknown Unknowns: The Predicament of Evidence-Based Policy’. *American Journal of Evaluation*, 32 (4), 518–46.
Peters, G. and Pierre, J. (2004) ‘Multi-Level Governance and Democracy: A Faustian Bargain?’ In Bache, I., and Flinders, M. (eds) *Multi-Level Governance*. OUP, 75-89.
Petticrew, M., Douglas, N., Knai, C., Durand, M., Eastmure, E. and Mays N. (2016) ‘Health Information on Alcoholic Beverage Containers: Has the Alcohol Industry’s Pledge in England to Improve Labelling Been Met?’ *Addiction*,111 (1), 51–55.
Phillips, J. and Smith, D. (2013) *Food, Science, Policy and Regulation in the Twentieth Century: International and Comparative Perspectives*. Routledge.
Piattoni, S. (2009) ‘Multi-level Governance: A Historical and Conceptual Analysis’. *Journal of European Integration,* 31 (2), 163–80.
Pierson, P. (2004) *Politics in Time*. Princeton: Princeton University Press.
Pollitt, C. (2008) *Time, Policy, Management: Governing with the Past*. Oxford: OUP Oxford.
Pollitt, C. (2003) *The Essential Public Manager*. McGraw-Hill Education (UK).
Pollitt, C., and Bouckaert, G. (2004) *Public Management Reform: A Comparative Analysis*. Oxford University Press.
Pollitt, C., and Talbot, C (eds) (2003) *Unbundled Government: A Critical Analysis of the Global Trend to Agencies, Quangos and Contractualisation*. 1 edition. London: Routledge.
Pomeranz, J. (2014) ‘Sugary Beverage Tax Policy: Lessons Learned from Tobacco’. *American Journal of Public Health,* 104 (3), e13–15.
Porta, D. 2005. ‘Deliberation in Movement: Why and How to Study Deliberative Democracy and Social Movements’. *Acta Politica,* 40 (3), 336–50.
Prabhakar, R. (2004) ‘Whatever Happened to Stakeholding?’ *Public Administration,* 82 (3), 567–84.
Prakash, A. and Potoski, P. (2006) ‘Racing to the Bottom? Trade, Environmental Governance, and ISO 14001’. *American Journal of Political Science,* 50 (2), 350–64.
Prior, L. (2008) ‘Repositioning Documents in Social Research’. *Sociology*, 42 (5), 821–36.
Public Health Commission (2009) ‘We’re All in This Together: Improving the Long-Term Health of the Nation’.
Public Health England. 2018. ‘Sugar Reduction and Wider Reformulation Programme: Report on Progress towards the First 5% Reduction and next Steps’. Public Health England.
Radaelli, C., Dunlop, C. and Fritsch, O. (2013) ‘Narrating Impact Assessment in the European Union’. *European Political Science,* 12 (4), 500–521.

Raine, K., Lobstein, T., Landon, L., Potvin, M., Pellerin, S., Caulfield, T., Finegood, D., Mongeau, L., Neary, N. and Spence, J. (2013) 'Restricting Marketing to Children: Consensus on Policy Interventions to Address Obesity'. *Journal of Public Health Policy,* 34 (2), 239–53.

Rayner, G., Hawkes, C., Lang, T. and Bello, W. (2006) 'Trade Liberalization and the Diet Transition: A Public Health Response'. *Health Promotion International* 21(1), 67–74.

Rayner, G. and Lang, T. (2011) 'Is Nudge an Effective Public Health Strategy to Tackle Obesity? No'. *BMJ,* 342.

Reff Pedersen, A., Sehested, K. and Sørensen, E. (2011) 'Emerging Theoretical Understanding of Pluricentric Coordination in Public Governance'. *The American Review of Public Administration,* 41 (4), 375–94.

Reh, C. (2013) 'Informal Politics: The Normative Challenge'. In Christiansen, T. and Neuhold, C. *International Handbook on Informal Governance*. Cheltenham: Edward Elgar, 65-85.

Reich, M. (2002) 'Reshaping the State from above, from within, from below: Implications for Public Health'. *Social Science & Medicine*, 54 (11), 1669–75.

Rein, M. (1983) *From Policy to Practice*. Routledge.

———(2011) 'Reframing Problematic Policies'. In Goodin, R., Moran, M., and Rein, M (eds) *The Oxford Handbook of Political Science*. OUP, 289-409.

Rein, M. and Schön, D. (1977) 'Problem Setting in Policy Research'. *Using Social Research in Public Policy Making* 11: 235.

Rein, M. and Schön, D. (1996) 'Frame-Critical Policy Analysis and Frame-Reflective Policy Practice'. *Knowledge and Policy* 9 (1): 85–104. https://doi.org/10.1007/BF02832235.

Reinicke, W. and Deng, F. (2000) *Critical Choices: The United Nations, Networks and the Future of Global Governance*. Ottawa: International Development Research Centre.

Rhodes, M. (1995) *The Regions and the New Europe: Patterns in Core and Periphery Development*. Vol. 1. Manchester University Press.

Rhodes, R. A. W. (1997) *Understanding Governance: Policy Networks, Governance, Reflexivity and Accountability*. Open University Press.

Rhodes, R. A. W. (2007) 'Understanding Governance: Ten Years On'. *Organization Studies,* 28 (8), 1243–64.

Richards, D. (1996). 'Elite Interviewing: Approaches and Pitfalls'. *Politics* 16 (3): 199–204. https://doi.org/10.1111/j.1467-9256.1996.tb00039.x.

Richter, J. (2003) 'We the Peoples' or "We the Corporations"'. Geneva: Geneva Infant Feeding Association/International Baby Food Action Network (GIFA-IBFAN). January.

———(2012) 'WHO Reform and Public Interest Safeguards: An Historical Perspective'. *Social Medicine*, 6 (3), 141–50.

Risse, T. (2000) '"Let's Argue!": Communicative Action in World Politics'. *International Organization,* 54 (1), 1–39.

———(2004) 'Global Governance and Communicative Action'. *Government and Opposition,* 39 (2), 288–313

Risse, T. and Kleine, M. (2007) 'Assessing the Legitimacy of the EU's Treaty Revision Methods*'. *JCMS: Journal of Common Market Studies,* 45 (1), 69–80.

———(2010) 'Deliberation in Negotiations'. *Journal of European Public Policy*, 17 (5), 708–26.

Roe, E. (1994) *Narrative Policy Analysis: Theory and Practice*. Durham: Duke University Press.

Rogers, C. (2009) 'From Social Contract to "Social Contrick": The Depoliticisation of Economic Policy-Making under Harold Wilson, 1974–751'. *The British Journal of Politics & International Relations*, 11 (4), 634–51.

Roht-Arriaza, N. (2003) '"Soft Law" in a "Hybrid" Organization: The International Organization for Standardization'. In D. Shelton (ed) *Commitment and Compliance*. OUP.

Romano, F. (2006) *Clinton and Blair: The Political Economy of the Third Way*. Taylor & Francis.

Romzek, B. and Dubnick, M. (1987) 'Accountability in the Public Sector: Lessons from the Challenger Tragedy'. *Public Administration Review,* 47 (3), 227–38.

Ronit, K. and Jensen, J. (2014) 'Obesity and Industry Self-Regulation of Food and Beverage Marketing: A Literature Review'. *European Journal of Clinical Nutrition*, 68 (7), 753–59.

Rosenau, J. (2004) 'Strong Demand, Huge Supply: Governance in an Emerging Epoch'. In Bache, I. and Flinders, M. (eds) *Multi-level Governance*. OUP, 31–48.

Rosenau, J. and Czempiel, E. (1992) *Governance Without Government: Order and Change in World Politics*. Cambridge University Press.

Royo-Bordonada, M. (2014) 'The Spanish Experience of Public-Private Partnerships with the Drinks and Food Industries.' *BMJ (Clinical Research Ed.)*, 348.

Ruckert, A. and Labonté, R. (2014) 'Public-Private Partnerships (Ppps) in Global Health: The Good, the Bad and the Ugly'. *Third World Quarterly,* 35 (9), 1598–1614

Ruger, J. (2005) 'The Changing Role of the World Bank in Global Health'. *American Journal of Public Health,* 95 (1), 60–70.

Sabatier, P. A. (1998) 'The Advocacy Coalition Framework: Revisions and Relevance for Europe'. *Journal of European Public Policy,* 5 (1), 98–130.

SACN. 2003. 'Salt and Health Report'.

Sargent, J., Tickle, J., Beach, M., Dalton, M., Ahrens, M. and Heatherton, T. (2001) 'Brand Appearances in Contemporary Cinema Films and Contribution to Global Marketing of Cigarettes'. *The Lancet*, 357 (9249), 29–32.

Sartori, G. (1970) 'Concept Misinformation in Comparative Politics'. *American Political Science Review,* 64 (04), 1033–1053.

Savell, E., Fooks, G. and Gilmore, A. (2016) 'How Does the Alcohol Industry Attempt to Influence Marketing Regulations? A Systematic Review'. *Addiction*, 111 (1), 18–32.

Scarborough, P., Payne, C., G. Agu, A., Kaur, A., Mizdrak, M., Rayner, J. Halford, G. and Boyland, E. (2013) 'How Important Is the Choice of the Nutrient Profile Model Used to Regulate Broadcast Advertising of Foods to Children? A Comparison Using a Targeted Data Set'. *European Journal of Clinical Nutrition,* 67 (8), 815–20.

Schäferhoff, M., Campe, C. and Kaan, C. (2009) 'Transnational Public-Private Partnerships in International Relations: Making Sense of Concepts, Research Frameworks, and Results'. *International Studies Review*, 11 (3), 451–74.

Scharpf, F. (1997) *Games Real Actors Play: Actor-Centred Institutionalism in Policy Research*. Boulder: Westview Press.

———(1999) *Governing in Europe: Effective and Democratic?* Oxford: Oxford University Press,
Schillemans, T. (2008) 'Accountability in the Shadow of Hierarchy: The Horizontal Accountability of Agencies'. *Public Organization Review,* 8 (2), 175.
Schillemans, T. and Busuioc, M. (2015) 'Predicting Public Sector Accountability: From Agency Drift to Forum Drift'. *Journal of Public Administration Research and Theory,* 25 (1), 191–215.
Schmidt, V. (2006) *Democracy in Europe: The EU and National Polities*. Oxford: Oxford University Press.
———(2008) 'Discursive Institutionalism: The Explanatory Power of Ideas and Discourse'. *Annual Review of Political Science*, 11 (1), 303–26.
———(2011) 'Speaking of Change: Why Discourse Is Key to the Dynamics of Policy Transformation'. *Critical Policy Studies,* 5 (2), 106–26.
———(2012) 'Scope, Dynamics, and Philosophical Underpinnings'. In Fischer, F., and Gottweis, H. (eds) *The Argumentative Turn Revisited: Public Policy as Communicative Practice*. Duke University Press, 85.
———(2013a) 'Democracy and Legitimacy in the European Union Revisited: Input, Output and "Throughput"'. *Political Studies,* 61 (1), 2–22.
———(2016) 'Reinterpreting the Rules "by Stealth" in Times of Crisis: A Discursive Institutionalist Analysis of the European Central Bank and the European Commission'. *West European Politics,* 39 (5), 1032–52.
Schmidt, V. and Thatcher, M. (2013) *Resilient Liberalism in Europe's Political Economy*. Cambridge: Cambridge University Press.
Schön, D. and Rein, M. (1994) *Frame Reflection: Toward the Resolution of Intractable Policy Controversies: Toward the Resolution of Intractable Policy Controversies*. New York: Basic Books.
Scottish Government. (2010a) *Preventing Overweight and Obesity in Scotland: A Route Map towards Healthy Weight.* Edinburgh: Scottish Government.
———(2010b) 'Roundtable Discussion on a New Obesity Route Map Food Implementation Group'.
———(2013a) 'Supporting Healthy Choices: A Draft Framework for Voluntary Action'. Edinburgh: Scottish Government.
———(2013b) 'Proposed Scottish Reformulation Strategies'. Edinburgh: Scottish Government.
———(2014) 'Supporting Healthy Choices: A Framework for Voluntary Action'. Edinburgh: Scottish Government.
———(2017) 'A Healthier Future – Action and Ambitions on Diet, Activity and Healthy Weight: Consultation Document'. Edinburgh: Scottish Government.
Scudamore, R. (2012) 'Future Arrangements to Secure Food Standards and Safety in Scotland'. Edinburgh: Scottish Government.
Searle, J. (1995) *The Construction of Social Reality*. Simon and Schuster.
Secretary of State for Health (1999) 'Saving Lives: Our Healthier Nation'.
———(2004) 'Choosing Health: Making Healthy Choices Easier'. London; Department of Health.
———(2010) 'Healthy Lives, Healthy People: Our Strategy for Public Health in England'. London: Department of Health.
Sharma, L., Teret, S. and Brownell, K.D. (2010) 'The Food Industry and Self-Regulation: Standards to Promote Success and to Avoid Public Health Failures'. *American Journal of Public Health,* 100 (2), 240–46.

Shaw, S. (2010) 'Reaching the Parts That Other Theories and Methods Can't Reach: How and Why a Policy-as-Discourse Approach Can Inform Health-Related Policy'. *Health,* 14 (2), 196–212.

Shenton, A. and Hayter, S. (2004) 'Strategies for Gaining Access to Organisations and Informants in Qualitative Studies'. *Education for Information,* 22 (3–4), 223–31.

Skelcher, C. (2005) 'Jurisdictional Integrity, Polycentrism, and the Design of Democratic Governance'. *Governance,* 18 (1), 89–110.

———(2010) 'Fishing in Muddy Waters: Principals, Agents, and Democratic Governance in Europe'. *Journal of Public Administration Research and Theory* 20 (suppl_1).

Slade, J. (1989) 'The Tobacco Epidemic: Lessons from History'. *Journal of Psychoactive Drugs,* 21 (3), 281–91.

Smith, K.E (2013a) 'Institutional Filters: The Translation and Re-Circulation of Ideas about Health Inequalities within Policy'. *Policy & Politics* 41 (1): 81–100.

———(2013b) *Beyond Evidence Based Policy in Public Health: The Interplay of Ideas*. Palgrave Macmillan.

Smith, K.E, Dorfman, L., Freudenberg, N., Hawkins, B., Hilton, S., Razum, O. and Weishaar, H. (2016) 'Tobacco, Alcohol, and Processed Food Industries – Why Do Public Health Practitioners View Them So Differently?' *Frontiers in Public Health* 4.

Smith, K.E. (2006) 'Problematising Power Relations in "Elite" Interviews'. *Geoforum,* 37 (4), 643–53.

Smith, K.E, and Collin, J. (2013) 'Scotland and the Public Health Politics of Independence'. *BMJ* 347, f7595.

Smith, K.E., Fooks, G., Collin, J., Weishaar, H., Mandal, S. and Gilmore, A. (2010) '"Working the System"—British American Tobacco's Influence on the European Union Treaty and Its Implications for Policy: An Analysis of Internal Tobacco Industry Documents'. *PLoS Medicine*, 7 (1).

Smith, KE., Hunter, D., Blackman, T., Elliott, E., Greene, A., Harrington, B., Marks, L., Mckee, L. and Williams, G. (2009) 'Divergence or Convergence? Health Inequalities and Policy in a Devolved Britain'. *Critical Social Policy,* 29 (2), 216–42.

Smith, L. (2008) 'How Ethical Is Ethical Research? Recruiting Marginalized, Vulnerable Groups into Health Services Research'. *Journal of Advanced Nursing*, 62 (2), 248–57.

Snow, D, and Benford, R. (1992) 'Master Frames and Cycles of Protest'. In Morris, A. and Mueller, c. (eds*) Frontiers in Social Movement Theory*. New Haven CT: Yale University Press.

Sørensen, E. (2006) 'Metagovernance The Changing Role of Politicians in Processes of Democratic Governance'. *The American Review of Public Administration,* 36 (1), 98–114.

Sørensen, E. and Torfing, J. (2005) 'The Democratic Anchorage of Governance Networks'. *Scandinavian Political Studies,* 28 (3), 195–218.

———(2007) 'Introduction Governance Network Research: Towards a Second Generation'. In Sørensen, E., and Torfing, J. (eds) *Theories of Democratic Network Governance*, 1–21. Springer.

Sørensen, E. and Torfing, J. (2009) 'Making Governance Networks Effective and Democratic Through Metagovernance'. *Public Administration,* 87 (2), 234–58.

———(2016) 'Metagoverning Collaborative Innovation in Governance Networks'. *The American Review of Public Administration*, 1-19.

———(2017) ‘The Janus Face of Governance Theory: Depoliticizing or Repoliticizing Public Governance?’ In Fawcett, P., Flinders, M., Hay, C., and Wood, M. (eds) *Anti-Politics, Depoliticization, and Governance*. Oxford University Press.
Sridhar, D. and Gostin, L. (2011) ‘Reforming the World Health Organization’. *JAMA* 305, (15), 1585–86.
Stark, A. (2015) ‘More Micro than Meta? Competing Concepts of Metagovernance in the European Union’. *Public Policy and Administration,* 30 (1), 73–91.
Stephens, N. (2007) ‘Collecting Data from Elites and Ultra Elites: Telephone and Face-to-Face Interviews with Macroeconomists’. *Qualitative Research,* 7 (2), 203–16.
Stigler, G.J. (1971) The Theory of Economic Regulation. *The Bell Journal of Economics and Management Science*, 2, 3–21.
Stoker, G. (1998) ‘Governance as Theory: Five Propositions’. *International Social Science Journal*, 50 (155), 17–28.
Stone, D. (1989) ‘Causal Stories and the Formation of Policy Agendas’. *Political Science Quarterly,* 104 (2), 281–300.
Stone, D. (2004) ‘Transfer agents and global networks in the ‘transnationalization’ of policy’. Journal of European public Policy, 11 (3), 545-566.
———(2012) ‘Transfer and Translation of Policy’. *Policy Studies*, 33 (6), 483 99.
———(2017) ‘Understanding the Transfer of Policy Failure: Bricolage, Experimentalism and Translation’. *Policy & Politics,* 45 (1), 55–70.
Strøm, K. (2000) ‘Delegation and Accountability in Parliamentary Democracies’. *European Journal of Political Research,* 37 (3), 261–290.
Stuckler, David, Basu, S. McKee, M. (2011) ‘Commentary: UN High Level Meeting on Non-Communicable Diseases: An Opportunity for Whom?’ *BMJ* 343.
Stuckler, D., McKee, M., Ebrahim, S. and Basu, S. (2012) ‘Manufacturing Epidemics: The Role of Global Producers in Increased Consumption of Unhealthy Commodities Including Processed Foods, Alcohol, and Tobacco’. *PLoS Medicine,* 9 (6).
Stuckler, D. and Nestle, M. (2012) ‘Big Food, Food Systems, and Global Health’. *PLoS Medicine,* 9 (6).
Stuckler, D. and Siegel, K. (2011) *Sick Societies: Responding to the Global Challenge of Chronic Disease*. OUP Oxford.
Suchman, M. (1995) ‘Managing legitimacy: Strategic and Institutional Approaches’, *The Academy of Management Review*, 20(3), 571-610.
Sunstein, C. and Thaler, R. (2009) *Nudge: Improving Decisions About Health, Wealth and Happiness*. London: Penguin.
Swinburn, B., Kraak, V., Rutter, H., Vandevijvere, S., Lobstein, T., Sacks, G., Gomes, F., Marsh, T. and Magnusson, R. (2015) ‘Strengthening of Accountability Systems to Create Healthy Food Environments and Reduce Global Obesity’. *The Lancet*, 6736(14)61747-5.
Swyngedouw, E. (2005) ‘Governance Innovation and the Citizen: The Janus Face of Governance-beyond-the-State’. *Urban Studies*, 42 (11), 1991–2006.
Tatenhove, J. (2003) ‘Multi-Level Governance and the “Institutional Void”: The Interplay between Front Stage and Backstage Politics, Paper Presented at Assessing Emergent Forms of Governance: European Public Policies

Beyond the 'Institutional Void.' ECPR Joint Sessions of Workshops, University of Edinburgh, 28 March - 2 April 2003.
Tatenhove, J., Mak, J. and Liefferink, D. (2006) 'The Inter-Play between Formal and Informal Practices'. *Perspectives on European Politics and Society,* 7 (1), 8–24.
Teisman, G. and Klijn, E. (2002) 'Partnership Arrangements: Governmental Rhetoric or Governance Scheme?' *Public Administration Review*, 62 (2), 197–205.
Temmerman, C., Rynck, F.D. and Voets, J. (2015) Opening the black box of metagovernance: The roles of central government in local multilevel networks – the case of the local job centers in Flanders. *International Review of Public Administration*, 20, 227–242.
Thatcher, M. (2002) 'Delegation to Independent Regulatory Agencies: Pressures, Functions and Contextual Mediation'. *West European Politics,* 25 (1), 125–47.
Thatcher, M. and Stone Sweet, A. (2002) 'Theory and Practice of Delegation to Non-Majoritarian Institutions'. *West European Politics*, 25 (1), 1–22.
Thauer, C. (2014) *The Managerial Sources of Corporate Social Responsibility: The Spread of Global Standards*. Cambridge Core.
The Daily Telegraph (2011) 'Charities Attack Healthy Food Deal'. 15 March 2011.
The Labour party (1996) '1997 Manifesto'.
The Sun (2012) 'Top Brands Cutting Calories in Fat War'. 24 March 2012
The Telegraph. (2012) 'Mars Bars "will Shrink" to Keep Waistlines Trim'. 24 March 2012
———(2013) 'Health Advisers Quit over Scrapping of Minimum Alcohol Price'. 17 July 2013.
Thompson, D. (1980) 'Moral Responsibility of Public Officials: The Problem of Many Hands'. *The American Political Science Review,* 74 (4), 905–16.
Torfing, J., Peters, G., Pierre, J. and Sørensen, E. (2012) *Interactive Governance: Advancing the Paradigm*. OUP.
Torfing, J. and Sørensen, E. (2014) 'The European Debate on Governance Networks: Towards a New and Viable Paradigm?' *Policy and Society,* 33 (4(, 329–44.
Trampusch, C., and Palier, P. (2016) 'Between X and Y: How Process Tracing Contributes to Opening the Black Box of Causality'. *New Political Economy,* 21 (5), 437–54.
Tsebelis, G. (2002) *Veto Players: How Political Institutions Work*. Princeton University Press.
Tversky, A. and Kahneman, D (1981) 'The Framing of Decisions and the Psychology of Choice'. *Science*, 211 (4481), 453–58.
UK Health Forum. (2016) 'UK Health Forum Welcomes New Levy on Producers of Sugary Soft Drinks'. 16 March 2016.
Ulbert, C. and Risse, T. (2005) 'Deliberately Changing the Discourse: What Does Make Arguing Effective?' *Acta Politica,* 40 (3), 351–67.
Ulijaszek, S. and McLennan, A. (2016) 'Framing Obesity in UK Policy from the Blair Years, 1997–2015: The Persistence of Individualistic Approaches despite Overwhelming Evidence of Societal and Economic Factors, and the Need for Collective Responsibility'. *Obesity Reviews,* 17 (5), 397–411.
Ungoed Thomas, J., and Winnett, R. (2005) 'Stores Face Fines in Toxic Scandal'. *The Times*, 20 February 2005.

Valentine, G. (2002) 'People like Us: Negotiating Sameness and Difference in the Research Process.' In Moss, P. (ed) *Feminist Geography in Practice: Research and Methods*. Blackwell: Oxford.
Vogel, D. (2003) *Fluctuating Fortunes: The Political Power of Business in America*. Beard Books.
Vogel, D. (1995) *Trading Up: Consumer and Environmental Regulation in a Global Economy*. Harvard University Press.
Vogel, D. and Kagan, R. (2004) *Dynamics of Regulatory Change: How Globalization Affects National Regulatory Policies*. University of California Press.
Wagenaar, H. (2007) 'Philosophical Hermeneutics and Policy Analysis: Theory and Effectuations'. *Critical Policy Studies,* 1 (4), 311–41.
———(2011) *Meaning in Action: Interpretation and Dialogue in Policy Analysis*. 1 edition. Armonk, N.Y: Routledge.
Wagenaar, H., and Cook, N. (2011) 'The Push and Pull of the World: How Experience Animates Practice'. *Evidence & Policy: A Journal of Research, Debate and Practice,* 7 (2), 193–212.
Weick, K. (1995) *Sensemaking in Organizations*. Thousand Oaks: SAGE Publications.
Weir, M. (1992) *Politics and Jobs*. Princeton: Princeton University Press.
Whitehead, M. and Popay, P. (2010) 'Swimming Upstream? Taking Action on the Social Determinants of Health Inequalities'. *Social Science & Medicine,* 71 (7), 1234–36.
Wiist, W. (2006) 'Public Health and the Anticorporate Movement: Rationale and Recommendations'. *American Journal of Public Health*, 96 (8), 1370–75.
Wilkinson, K. (2011) 'Organised Chaos: An Interpretive Approach to Evidence-Based Policy Making in Defra'. *Political Studies,* 59 (4), 959–77.
Wodak, R. (2009) *The Discourse of Politics in Action: Politics as Usual*. New York: Palgrave Macmillan.
Wodak, R. (2000) 'From Conflict to Consensus? The Co-Construction of a Policy Paper' In Muntigl, P., Weiss, G., and Wodak, R. (eds) *European Union Discourses on Un/employment. An interdisciplinary approach to employment policy-making and organizational change*. John Benjamins, 73-114.
Woll, C. and Jacquot, S. (2010) 'Using Europe: Strategic Action in Multi-Level Politics'. *Comparative European Politics,* 8 (1), 110–26.
Wood, M. (2016) 'Politicisation, Depoliticisation and Anti-Politics: Towards a Multilevel Research Agenda'. *Political Studies Review,* 14 (4), 521–33.
Woods, K. (2004) 'Political Devolution and the Health Services in Great Britain'. *International Journal of Health Services*, 34 (2), 323–39.
World Health Organization. 2003. 'WHO Framework Convention on Tobacco Control'. Geneva: WHO.
Wright, S., Klee, H. and Reid, P. (1998) 'Interviewing Illicit Drug Users: Observations from the Field'. *Addiction Research*, 6 (6), 517–35.
Yach, D. and Bettcher, D. (2000) 'Globalisation of Tobacco Industry Influence and New Global Responses.' *Tobacco Control*, 9 (2), 206–16.
Yach, D. (2008) 'Food Companies and Nutrition for Better Health'. *Public Health Nutrition*,11 (2): 109–11.
Yach, D, Hawkes, C., Epping-Jordan, J. and Galbraith, S. (2003) 'The World Health Organization's Framework Convention on Tobacco Control: Implications for Global Epidemics of Food-Related Deaths and Disease'. *Journal of Public Health Policy,* 24 (3–4), 274–90.

Yach, D., Khan, M., Bradley, D., Hargrove, R., Kehoe, S. and Mensah, G. (2010) 'The Role and Challenges of the Food Industry in Addressing Chronic Disease.' *Globalization and Health*, 6 (10).

Yanow, D. (1996) *How Does a Policy Mean?: Interpreting Policy and Organizational Actions*. Georgetown University Press.

———(2000) 'Seeing Organizational Learning: A `Cultural' View'. *Organization,* 7 (2), 247–68.

———(2007) 'Interpretation in Policy Analysis: On Methods and Practice'. *Critical Policy Studies,* 1 (1), 110–22.

Yoon, S. and Lam, T. (2013) 'The Illusion of Righteousness: Corporate Social Responsibility Practices of the Alcohol Industry.' *BMC Public Health,* 13 630.

Young, K., Ashby, D., Boaz, A. and Grayson, L. (2002) 'Social Science and the Evidence-Based Policy Movement'. *Social Policy and Society,* 1 (3), 215–24.

Zuckerman, H. (1972) 'Interviewing an Ultra-Elite'. *Public Opinion Quarterly,* 36 (2), 159–75.

Zwanenburg, P. and Millstone, E. (2005) *BSE: Risk, Science, and Governance.* OUP.

Appendices

Appendix I: Email template adapted for different types of interviewee

Dear [...],

I'm emailing to ask whether you might be willing to talk about UK government approaches to working with external stakeholders to address diet-related ill health. The objective of this research, [supervised by Professor Jeff Collin and Dr Katherine Smith], is to better understand the processes of decision making in this area, including via interviews with people with relevant knowledge about this, and related policy areas.

Given your extensive experience, as [committee membership/role in executive agency/position within government department/representative of industry actor/academia], I'm hoping you would be willing to spare the time for a short interview on the subject in the next few weeks. I'd be keen to establish your views on how such approaches have developed and to better understand your experiences of decision making in this policy area. If it is feasible for you to discuss these issues with me, please let me know where and when would be most convenient for you (I am in London from the beginning of September).

This research will be written up as a PhD thesis and various academic papers and blogs, with the intention of making a timely contribution to understandings of governance of this important issue.

I realise that you are likely to be very busy with upcoming policy strategies, but having the opportunity to explore your views, and experiences, of this policy area would be an invaluable resource, so I would be extremely appreciative if you are able to spare an hour or so for an interview (whether that be during or after summer recess). I have now interviewed key stakeholders from UK and Scottish Governments, in addition to various civil society and industry organisations, and am obviously very keen to ensure that the experiences of decision makers working within the Department of Health are adequately represented in this research project.

Please don't hesitate to ask if you would like to know anything further about the project, and many thanks for considering my request.

Best wishes,
Rob Ralston

Appendix II: Generic examples of interview schedules for interviewees based in UK and/or Scotland

Example of Interview guide for UK-based interviewees:

Preface

I'd be interested to find out who you think are the key organisations involved in policy networks around food, with specific reference to diet-related ill health. This could include both organisations that you share formal ties with and/or organisations you would consider to be key stakeholders in policy debates.

Government & governance

1. Could you describe your role as [position] within [organisation] + the role you see for your organisation in UK food policy debates?
2. How much of a priority do you think this is compared to other issues?
3. How high up the list of public health policy issues do you think obesity and/or diet-related ill health has come for UK governments?
4. What would you consider
   a) Key working groups and/or committees in this policy area?
   b) Policy documents and/or consultations that were particularly influential in informing policy objectives of UK governments?
   c) What range of activities would you consider important in engaging with policy debates, and which officials would this be directed to?

Stakeholder engagement

1. Some organisations or commentators [e.g. FPH, BMJ commentary on RD] have suggested that not all stakeholders involved in food policy debates should be considered equally legitimate – is this an interpretation you are familiar with, and if so, what are your thoughts on the matter?
   a) Who do you think UK governments consider, or have considered, to be legitimate stakeholders in obesity and/or food policy debates?
   b) In your view, should partnership encompass the entire food industry, or is it possible to identify sections or companies whose interests conflict with certain public health goals, and should be excluded from policy **formulation**?
      [ROAMEF policy cycle visual]
   c) Alternatively, are there sections of industry where there exists, or could exist, strong synergies with public health?
   d) If not, is your sense that this policy area is different from approaches to tobacco control, or current debates over alcohol policy? If so, why?
   e) In terms of trying to engage with the debate, do you think some organisations are more active/willing in contributing to policy debates around this issue than others?
   f) Do you feel there have been any barriers to engagement with UK government strategies? If so, how?

Principles

1. Would you say that the active participation of all key stakeholders is important for effective health policymaking? If so, why do you think this? If not, why not?

    a) In various policy documents, UK governments have emphasised the importance of working in partnership; would you say this rhetorical commitment *has* influenced how policies are designed?
    b) Would you agree/disagree with the statement that such partnerships enable public health to progress more rapidly than statutory approaches?
    c) Do you have a sense of how the announcement of a soft drinks industry levy might influence the dynamics of policy and/or debates on food at the UK level?
    [Possible legal challenge]

2. In your experience, what makes for effective partnership working?
    [e.g. trust, shared goals]

3. Would you say there are distinctive features of partnership working?
    Mechanisms of governance, rhetoric of collaboration etc.]

    a) One interviewee noted the usefulness of partnerships in generating political buy-in, but also felt there could be a vagueness in terms of what it meant to 'partner' with other stakeholders; would this also be your experience of partnership working?

4. How would you describe your organisation's understanding of the causes underlying diet-related ill health, and what the solutions might be, or could be, in the future?

    a) Would you consider any organisations to have been particularly influential in promoting their representation of the problem?

Policy learning

1. What is your sense of the effectiveness of UK governments strategies to address diet-related health, compared to policy approaches taken elsewhere?
    [salt reduction, sugar taxes in France, Finland & Hungary etc.]
2. In your experience, is there a sense that policy makers within the DH, or other relevant agencies, have drawn lessons from further afield (or vice versa)? Is this something you think policy makers *should* do?
    [experience of taxes in Mexico & Denmark]
3. Do you feel that current approaches have been informed by policy initiatives that have preceded it?
4. To what extent, if at all, do you feel current approaches have been **evidence based**? Are there any types of evidence and/or ideas you feel have been particularly influential?
5. Relatedly, how useful do you feel 'whole system' approaches to obesity – as articulated in Foresight Obesities and the ORM – have been in identifying priority areas?
6. In what ways, of at all, do you feel mainstream media [print/blogs/social media] can influence policy debates and/or approaches?

Principles

1. Would you say that the active participation of all key stakeholders is important for effective health policymaking? If so, why do you think this? If not, why not?

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    b) Would you agree/disagree with the statement that such partnerships enable public health to progress more rapidly than statutory approaches?
    c) Do you have a sense of how the announcement of a soft drinks industry levy might influence the dynamics of policy and/or debates on food at the UK level?
    [Possible legal challenge]

2. In your experience, what makes for effective partnership working?
    [e.g. trust, shared goals]

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    Mechanisms of governance, rhetoric of collaboration etc.]

    a) One interviewee noted the usefulness of partnerships in generating political buy-in, but also felt there could be a vagueness in terms of what it meant to 'partner' with other stakeholders; would this also be your experience of partnership working?

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Policy learning

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    [experience of taxes in Mexico & Denmark]
3. Do you feel that current approaches have been informed by policy initiatives that have preceded it?
4. To what extent, if at all, do you feel current approaches have been **evidence based**? Are there any types of evidence and/or ideas you feel have been particularly influential?
5. Relatedly, how useful do you feel 'whole system' approaches to obesity – as articulated in Foresight Obesities and the ORM – have been in identifying priority areas?
6. In what ways, of at all, do you feel mainstream media [print/blogs/social media] can influence policy debates and/or approaches?

Example of interview guide for Scotland-based interviewees:

Preface

I'd be interested to find out who you think are the key organisations involved in policy networks around food, with specific reference to diet-related ill health. This could include both organisations that you share formal ties with and/or organisations you consider to be key stakeholders in policy debates.

Ask interviewee to draw mind map

Government & governance

1. Could you describe your role as [position] within [organisation] + the role you see for your organisation in taking forward food policy in Scotland

2. How much of a priority do you think this is compared to other issues?

3. How high up the list of public health policy issues do you think obesity/diet-related ill health come for the SG?

4. Drawing on your own experience, or that of your organisation more broadly:

   a) Which parts of the SG do you feel are particularly important to engage with and/or have led discussions?
   b) Stakeholder consultation appears to be quite deeply rooted in the conduct of the SG; what would you say the purpose of consultation exercises are, and how important do you think they have been for approaches to obesity/diet-related ill health?
   c) Could you describe the interactions that your organisation might have preceding, and/or following, consultation exercises?
   d) A number of interviewees have spoken of the usefulness of consultation exercises primarily in identifying contacts that they could go on to speak to in less formal settings; would you say this is also your experience of policymaking?

Stakeholder engagement

1. Some organisations or commentators [e.g. FPH, BMJ commentary on RD] have suggested that not all stakeholders involved in food policy debates should be considered equally legitimate – is this an interpretation you are familiar with and, if so, what are your thoughts on the matter?

   a) Who do you think the SG considers to be a legitimate stakeholder in obesity/food and health policy debates? [non SG interviewees only]
   b) In your view, should partnerships encompass the entire food industry, or is it possible to identify sectors or companies whose interests conflict with certain public health goals, and should be excluded from policy ***formulation***?
      [ROAMEF policy cycle visual]
   c) Alternatively, are there sections of industry where there exists, or could exist, strong synergies with public health?
   d) If not, is your sense that this policy area is different from approaches to tobacco control, or current debates over alcohol policy? If so, why?
   e) In terms of trying to engage with the debate, do you think some organisations are more active/willing in contributing to policy debates around this issue than others?

Appendix III: Consent form signed by all interviewees

THE UNIVERSITY *of* EDINBURGH

Rob Ralston
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Mob +44 (0) 7733 106403

rralston@exseed.ed.ac.uk

1 February 2016

Dear […],

I (Rob Ralston) am currently undertaking a research project at the School of Social and Political Science, exploring how UK and Scottish governments have worked together with food companies, charities, non-governmental organisations and other key stakeholders, to address diet-related ill health. The objective of this research, supervised by Professor Jeff Collin and Dr Katherine Smith at the University of Edinburgh, and which is funded by the Economic and Social Research Council (ESRC), is to better understand processes of decision making involved in partnership working, examining the experiences, and perceptions, of those who have participated in this policy area, or continue to do so. Accordingly, a series of interviews are being undertaken with individuals who have extensive engagement in this policy area. In these interviews, I will ask about stakeholder engagement and governance, with a focus on more recent policy developments.

In line with the University of Edinburgh School of Social and Political Science's ethical guidance, it is important to ensure that only those who want to participate in this research project do so. If you are willing to participate, please sign the form on the other side of the page.

If you so agree to be interviewed, you are not obliged to answer any of the questions, and you may stop the interview at any time, whenever you wish to do so. During the course of the interview, you will also be invited to participate in a brief exercise involving visual maps of 'policy networks', where you will be asked to sketch out your own map.

The interview will be digitally recorded and transcribed. Personal details will be anonymised, and I will not intentionally reveal your identity to anyone. All relevant information, such as audio recordings, personal details, and interview transcripts, will be securely stored on a password protected external hard-drive. If you would like to do so, you may review the transcripts of your interview for accuracy and/or anonymity – in this case, please let me know.

The contents of the interview will be analysed and written up, as part of the PhD thesis. The findings may also be used in subsequent published works, such as academic journal articles. This may include references and/or quotations from specific interviews. If you agree to be interviewed, neither your name nor organisation will be directly associated with these quotations.

If you are happy to participate, and for the content of your interview to be used in the manner described above, please sign the consent form below

---

CONSENT FORM

I confirm that I have agreed to be interviewed for this research project and that the recorded interview, or extracts from it, may be used as described above.

Signed: _____

Print Name: _____

Date: _____

Appendix IV: Examples of documents generated using FOI requests

Example of Department of Health response to FOI request:

Department of Health

09 March 2017

FOI 1073241

Dear Mr Ralston

Thank you for your request of 10 February 2017 in which you asked the Department of Health (DH):

> *"I would like to request information under the Freedom of Information Act (2000) for communications between the Food and Drink Federation (FDF) and public officials from the Obesity and Food Policy Branch – and in particular communications with public officials involved in the Food Network of the Responsibility Deal – that took place between April 2011 – September 2011.*
> *This may include correspondence, minutes, and any other recorded information (such as information stored digitally, handwritten notes etc.) relating to such communication. If this request exceeds the cost limit as set out in Section 12(1) I would request that the timeframe is narrowed to allow the request to continue to be processed."*

Your request has been handled under the Freedom of Information Act (FOIA).

I can confirm that the Department holds the information you requested.

This information is attached and consists of:

1. Email from FDF of 10 August about calorie reduction proposals.
2. Email from FDF of 2 September about food information regulations including EU document.
3. Email from FDF of 7 September about food information regulations including attachment of FDF questions.
4. Email from FDF of 8 September about calorie reduction including letter from Director General of FDF.
5. Email from FDF of 22 September about nutritional labelling.
6. Email from FDF of 26 September about nutritional labelling.
7. Email from FDF of 26 September about Guideline Daily Amounts.

Example of response from Scottish government response to FOI request:

Chief Medical Officer and Public Health Directorate
Public Health Division

T: 0131-244 2540
E: alan.robertson2@scotland.gsi.gov.uk

The Scottish Government
Riaghaltas na h-Alba

Mr Rob Ralston
robert.ralston1@googlemail.com

In 2014 Scotland Welcomes the World

Your ref:
Our ref: FoI/14/01148
August 2014

Dear Mr Ralston

REQUEST UNDER THE FREEDOM OF INFORMATION (SCOTLAND) ACT 2002 (FOISA)

Thank you for your request dated 4 June 2014, which you clarified on 8 July, under the Freedom of Information (Scotland) Act 2002 (FOISA).

Your request

You asked for "meeting minutes, discussion papers and agendas for meetings where the Healthier Food and Drink Formulation (contained in the Supporting Healthy Choices Framework) is discussed. In particular, any information relating to commitment 12, including a list of organisations that were consulted, documentation from meetings where it was discussed, consultation documents and responses that led to the creation of this commitment and documents that detail how/if this commitment was modified in response to consultation with partners or other involved organisations. Finally, documentation relating to the monitoring and evaluation of this commitment".

Response to your request

I have attached copies of much of the information you requested, i.e.:

- *Agendas for meetings* – the agenda of the initial stakeholders workshop event on 16 May 2013;
- *List of organisations that were consulted* – a list of the various organisations and stakeholder groups which were invited to the workshop event on 16 May 2013 to discuss a voluntary draft framework for SHC;
- *Discussion papers* – copies of the SHC draft framework for voluntary action, and Proposed Scottish Reformulation Strategies which were distributed to workshop attendees;

Extract from FOI documents relating to communications between FDF representatives and the DH Secretariat:

[redacted]
Food Network Secretary
Department of Health
7th Floor Wellington House
133-135 Waterloo Road
London SE1 8UG

21 October 2011

Dear [redacted]

CALORIE REDUCTION – RD PLEDGE

Thank you for your email of 3 October and attached 'package' comprising the proposed calorie reduction pledge and supporting information. Thank you also for the useful meeting we had with you, Richard and [redacted] to discuss the draft at the start of the consultation process. [redacted] and I do appreciate the care with which you have listened to the issues raised by us on behalf of FDF members in respect of the calorie reduction 'challenge' and proposed pledge and we are grateful for the efforts you have made to date to respond to those concerns.

That said, some fundamental issues do remain for our members in the latest documents circulated.

The **first** and most important relates to the importance of the UK food and drink industry to the UK economy. As you will be aware, food and drink is the UK's largest manufacturing sector and one of the few manufacturing sectors which has survived the economic downturn in relatively good shape and remains strong. Most recently, ONS figures published in August show that while the output of the manufacturing sector as a whole declined by 0.5% in June 2011 compared to the same month in 2010, the food and drink industry registered a 0.5% increase over the same period.

We have been in discussions with your colleagues in BIS and Defra for some time about how to stimulate further growth in the food and drink industry and how to remove the barriers that may inhibit growth. It is paramount for our industry, and we believe for Government, that the framework within which the Food Network takes forward work on calorie reduction does not inhibit the ability either of the food and drink industry as a whole, or individual companies, to grow their businesses.

Whilst we are supportive of a calorie reduction pledge, we would have a fundamental difficulty with any proposition that appears to require businesses to inhibit their commercial strategies for growth. For example, in the latest draft, the phrase 'the primary aim of the pledge is to see fewer calories purchased (and consumed), and therefore a net reduction in calories per capita sold by businesses in aggregate'. When we met you said that this was not the Department's intention and that you would produce wording that made this clear. It would be helpful to see this as son as possible.

Our understanding is that the aim of the pledge is to provide a framework for contributions from the food industry as one part of the response to a broad-based calorie challenge. The ultimate aim, of course, of the calorie reduction challenge is a net reduction in the number of calories consumed by individuals and this is not something that industry can deliver, and therefore not an appropriate measure of our contribution to the challenge. Businesses – and the pledge – should be judged by the actions they have taken to enable consumers to manage their calorie intake and balance more appropriately.

The second fundamental difficulty relates to the approach which appears to have emerged in the current draft, apparently excluding certain types of activity from contributing to the pledge, and requiring companies to take particular actions, and/or to be judged by the operation of their whole portfolio. See for example references to:

- ....'action.....in relation to the overall balance of a product portfolio will not achieve the results required'
- '.....a focus on calorie reduction in those products ....which contribute the most calories – either as a consequence of their absolute calorie content...'
- (from monitoring template) 'number or percentage of products...that have been reformulated'

Our understanding was that the Department of Health was keen to encourage a broad base of contributions from across the industry and that – as Ian Macdonald put it well at the last Food Network HLSG – the scale of the challenge is so significant that every contribution should be welcomed. Clearly we understand the need for contributions to be credible – this is as much a matter of concern for the companies in terms of their reputation as to the department. But to mandate which types of activity are deemed acceptable or to exclude actions such as extending consumer choice by offering lower calorie options appears to us both wholly counter-productive and to run counter to the principle of personal responsibility which we understand to be at the heart of the Government's approach.

On the same theme of maximising participation, the structure and language of the monitoring template seem to focus on packaged foods in the retail environment. This would seem to run counter to the ambition to broaden membership of the Responsibility Deal and to increase the numbers of pledges signed by existing members. The structure and language should seek to encourage participation by the out of home sector and also small and medium sized enterprises from right across the food industry.

Thirdly, we believe there is an over-emphasis in the current draft on product reformulation. Some of the actions which may be suggested by companies may not relate to reformulation of their own products but to how their products are consumed, for example cooking method or suitable accompaniments. And we believe that other activities such as the provision of calorie information through labelling are also key components of a calorie reduction strategy.

Fourthly, we have made the point before – which I know you understand – that often quantitative data in this area will be commercially sensitive. For instance it is unrealistic to expect companies to disclose their marketing budgets or strategies in the promotion sub-section. If companies are prepared to share information with DH on changes to promotional activity then they would be more likely to do so in Section C which captures qualitative information. Furthermore some companies may undertake or fund other activities that encourage consumers to consume fewer calories outside of their marketing function. Again Section C of the template would be a more appropriate place to record those activities.

Example of FOI documents relating to exploratory discussions over PAS:

Advertising Association

SCOTTISH **RETAIL** CONSORTIUM
for successful and responsible retailing

Scottish Food and Drink Federation SFDF
Delivering Sustainable Growth

BRITISH Soft Drinks ASSOCIATION

[redacted]
Project Manager
British Standards Institute (BSI)
389 Chiswick High Road
London
W4 4AL

2nd October 2013

Dear [redacted]

Collectively the Advertising Association, Scottish Food and Drink Federation, Scottish Retail Consortium and the British Soft Drinks Association (represented in the PAS 2500 discussions by SFDF) represent the majority of businesses involved in the manufacturing, advertising, marketing and sale of food and drink products in Scotland and throughout the UK. This is a position that we and our members take very seriously. That is why we have fully engaged in the PAS 2500 process and why we are also working constructively with the Scottish Government on the wider voluntary actions proposed in *Supporting Healthier Choices: Draft Framework for Voluntary Action.*

Health and nutrition, as well as choice, availability and affordability of food have been high on the agenda for food businesses. The retail and manufacturing sectors have been instrumental in helping consumers to make healthier choices by reformulating products in order to reduce their salt, fat and calorie content, by providing clear and consistent front of pack labelling information and using many different channels and outreach methods to promote positive eating and exercise habits.

As representative organisations we have also, for a number of years, been active in supporting the public health agenda in partnership with the Scottish Government by providing technical advice and constructive dialogue between member businesses and groups such as the High Level Steering Group and by engaging with the Obesity Route Map. The SFDF Reformulation Programme, for example, provides technical advice and support to SMEs in Scotland to reformulate their products for health.

Notwithstanding these examples of collaborative working and our commitment to public health, it is with regret that we now find ourselves in the position of being unable to support the PAS 2500 and therefore, the work of the BSI in developing the standard. There are a number of reasons why we have reached this conclusion and we would like to take this opportunity to explain them.

First, following both the workshop event in April and the first Steering Group meeting on 17th September it has become clear to us that the BSI process is not the appropriate vehicle to deliver the outcomes which the Scottish Government hopes to achieve through the draft specification. A PAS is, by definition, a rigid set of requirements and to be a signatory would force a fundamental change in the way in which manufacturers and retailers advertise, promote and sell a wide range of products, the economic impact of which should not be underestimated.

.../Page 2

Collectively, the food and drink manufacturing and retail sectors make a significant contribution to the economy. For example, food and drink manufacturing is the largest manufacturing sector in the UK. Within Scotland, it accounts for 21% of manufacturing turnover and 50,000 jobs. We cannot support initiatives which we believe would risk undermining these highly successful sectors.

Second, as is clear from the most recent draft specification and from the discussion at the Steering Group, much of what is included in the PAS is simply unworkable. It also duplicates existing regulatory structures and in doing so, risks damaging a system which not only protects consumers but is fair and appropriate. For advertising, for instance, the ASA, Ofcom and the code-making bodies (CAP and BCAP) have the expertise and resources to ensure this balance is achieved. A number of the PAS proposals duplicate this system and raise the prospect of standards which advantage some food businesses and some media channels over others.

There are also concerns about the limitations of the scientific evidence on which the draft is based and the extent to which the PAS approach would, if adopted, deliver a significant reduction in consumption of HFSS foods.

Our third concern relates to the unintended consequences, or ramifications, of implementing the PAS, which carries little or no benefit for the signatory, or worse, carries significant risk. Food businesses are rightly concerned about the regressive nature of some of the proposals included in the PAS. Manufacturers and retailers have been working hard to ensure that despite a very difficult economic climate, hard-pressed consumers can feed their families from a choice of good quality food and on a budget. Manufacturers and retailers have been instrumental in shielding consumers from the full impact of global price inflation, providing value for money when it matters most. The proposals in the PAS would put this at risk through unduly restricting the ability of retailers to advertise, market and price promote a wide range of products.

Given our members' commitments to public health and our desire to work constructively with the Scottish Government this is not a decision we have taken lightly. Each of our organisations has considered the PAS, at length and in detail with members. However, given widespread and deep-seated concerns regarding its rigidity, workability, fairness and the high risk of unintended consequences in its implementation, we feel that we can no longer remain involved in developing the PAS 2500.

We would be happy to meet with the BSI and Scottish Government to discuss our concerns further.

Kind regards,

[redacted]
Chief Executive
Advertising Association

[redacted]
Director
Scottish Retail Consortium

[redacted]
Director
Scottish Food and Drink Federation

[redacted]
Director General
British Soft Drinks Association

cc: [redacted]

Appendix V: Examples of partnership documents:

RDFN meeting 3 [September 2011]:

HLSG 5 - Phase 2 Work Programme: Calorie Reduction

1. Further to the calorie reduction paper discussed at the High Level Steering Group meeting on 22 June, and circulation of a draft pledge for comments on 10 August, this paper recaps the context for action on calorie reduction; provides an update on the pledge/ supporting principles in the light of comments received, and provides more detail on proposed monitoring arrangements. It includes some specific questions to aid discussion.

CONTEXT FOR A CALORIE REDUCTION PLEDGE

2. The Public Health White Paper "*Healthy Lives, Healthy People*" sets out the overall approach to addressing public health issues and system reform. This document will shortly be followed by a more detailed publication specifically addressing overweight and obesity. It will clearly set out national ambitions for tackling obesity, and include a call to action at a variety of levels including central and local government, partner organisations, communities and individuals. The document will identify that halting and reversing the rise in obesity will require a reduction in calorie intake, alongside increasing physical activity.

3. As part of our wider approach to obesity, we intend to launch a calorie reduction challenge, in which the Government will look to business to take a leading role in changing the food environment to encourage and enable consumers to decrease their calorie intake, recognising the reach and influence of the food and drink industry on the dietary habits of consumers.

4. The collective pledge is intended to embrace the spirit of the calorie reduction challenge. The wording proposed aims to capture explicitly the scale of the task. We look to business to make a significant contribution (alongside others) to the delivery of the challenge, based on a calculation of 100 kcal per individual per day change needed (at a population level) made by an independent expert group asked to consider this issue (see Appendix). The 5 billion kcal per day aggregate figure has been derived as a means to calibrate the scale of action at a national level rather than as a guide for individual consumers, where the change needed to achieve and maintain a healthy weight will vary considerably from person to person.

HLSG 2 - RESPONSIBILITY DEAL
FOOD NETWORK HIGH LEVEL STEERING GROUP
ACTION NOTE

Third meeting: Wednesday 14 September 2011, 1000-1200

CATHEDRAL ROOM, RICHMOND HOUSE,
79 WHITEHALL, LONDON SW1A 2NS

Chaired by Dr Susan Jebb, Head of Nutrition and Health Research, MRC
With attendance from The Rt Hon Andrew Lansley CBE MP,
Secretary of State for Health

Attendees

Lindsey Davies – Faculty of Public Health
Sue Davies – Which?
John Dyson – British Hospitality Association
Phil Hooper – Sodexo
Melanie Leech – Food and Drink Federation
Sarah Lyness – Cancer Research UK
Professor Ian MacDonald – Scientific Advisory Committee on Nutrition
Andrea Martinez-Inchausti – British Retail Consortium
Alison Clark – Mars UK

Officials

Liz Woodeson – Director of Health and Wellbeing
Clair Baynton – Deputy Director, Nutrition Science and Delivery
Richard Cienciala – Deputy Director, Obesity Programme

ACTIONS ARISING

Item (1) Welcome and introductions

The Chair welcomed attendees to the third meeting of the High Level Steering Group, and noted apologies from Fiona Dawson (Mars UK), and from Karen Tonks (Tesco) who were unfortunately unable to attend. Papers had been circulated.

Actions from the meeting held 22 June

The Chair reviewed actions from the previous meeting. All had been completed, with the exception of presenting contextual data alongside numbers of signatories to the salt and trans fats pledges in update papers. This was being progressed and would be produced for the next meeting.

FIG02(01)

Roundtable discussion on a new Obesity Route Map Food Implementation Group

Monday 11 October, 15:00-16:00
Room 3E.03, St Andrews House, Edinburgh

NOTE OF POINTS AGREED & KEY ACTIONS

Attendees

Fergus Millan (Chair) (Scottish Government, Head of Healthy Living & Screening Team)

Flora McLean (Director, Scottish Food and Drink Federation)
Julian Hunt (Communications Director, Food and Drink Federation)
Andrea M Inchausti (Assistant Director Food Policy, British Retail Consortium)

Louise Feenie (Scottish Government, Food & Health Policy)
Peter Faassen De Heer (Scottish Government, Food & Health Policy)

Apologies

Fiona Moriarty (Director, Scottish Retail Consortium)
Dr Cathy Higginson (Scottish Government, Food & Health Policy)

1. Obesity Route Map (ORM) update

The new Joint Obesity Group (JOG), chaired by the Deputy First Minister, would meet for the first time on 26 October. Its membership would include senior food industry representatives, as well as other key decision makers from areas such as senior local government. JOG would agree an Action Plan, to be published in the New Year, including a first set of strategic milestones and indicators. The group would have a challenge function in overseeing implementation of the action plan, driving forwards the commitments within the ORM and meeting at least annually.

2. Role & remit of group

2.1 The purpose of the meeting was to discuss formation of a new food industry and Scottish Government (SG) group to oversee implementation of the ORM 'energy-in' commitments (termed Food Implementation Group (FIG) here, but title to be agreed by members). In terms of governance, this group would sit underneath, and be accountable to, JOG through delivery of agreed milestones identified in the Action Plan.

2.2 In implementing the energy-in commitments, the intention was to start with a blank canvas which the SG would develop hand-in-hand with the food industry. It was hoped the group could be innovative and creative, forging a project or projects which tackle